



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE
Cr1.O.P. [MD] No. 4617 of 2019

N.Kamala Prasad

: Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Alagarkoil Road,
Madurai.

2. The Assistant Commissioner of Police,
Thallakulam Police Station,
Madurai City.

3. The Inspector of Police,
Thallakulam Police Station,
Thallakulam,
Madurai - 7.

4. Pitchumani

5. P. Vetrivelvi

6. Muniyasamy@Kayambo

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd and 3rd respondents not to harass the petitioner and thereby not to interfere in to the civil dispute under the guise of enquiry.

For Petitioner : Mr. S. Loganathan

For R1 to R3 : Mr. V. Neelakandan

Additional Public Prosecutor

O R D E R

This petition has been filed seeking a direction to the 2nd and 3rd respondents not to harass the petitioner and thereby not to interfere in to the civil dispute under the guise of enquiry.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3. This Court has paid its anxious consideration to the submissions made on either side.

3. The petitioner complains harassment at the hands of the third respondent presumably on the complaint preferred by 4th and 5th respondents.



4. The learned Additional Public Prosecutor appearing for the respondents 1 to 3 submitted that the 5th respondent preferred a complaint which is now being enquired into in C.S.R.No.419 of 2019. He added that the 5th respondent is running a public carrier service in which the petitioner transported some goods on a regular basis and the petitioner owes substantial sum of money to the 5th respondent.

5.It is settled law that if the dispute is of civil nature, then, the police shall not step-in. However, if it involves any criminal overtone, the police can interfere in it. Inasmuch as the prayer sought for is limited that the petitioner should not be harassed, the Investigating Agency is directed to enquire the matter strictly in accordance with law and should not adopt any extra legal methods. If at all the presence of the petitioner is required by the respondent police for enquiry, the same shall be done by issuing fresh summons mentioning a specific date and time for enquiry. The petitioner is also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioner.

6.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (P & A)

// True Copy //

Sub Assistant Registrar (CS)

CM/vsd
To

1.The Commissioner of Police,
Madurai City, Alagarkoil Road, Madurai.

2.The Assistant Commissioner of Police,
Thallakulam Police Station, Madurai City.

3.The Inspector of Police,
Thallakulam Police Station, Thallakulam,
Madurai - 7.

+1CC TO MR.S.LOGANATHAN, Advocate Sr. No.58199

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TR (16.04.2019) 2P 5C