



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2019

CORAM:

THE HONOURABLE **MR. JUSTICE N. SESHASAYEE**

Crl.O.P. (MD) No. 4815 of 2019

Ramasubramanian

... Petitioner

Vs.

1. The Superintendent of Police,
Dindigul District, Dindigul.

2. The Deputy Superintendent of Police,
Kodaikanal, Dindigul District.

3. The Inspector of Police,
Kodaikanal, Dindigul District.

4. Nirmala Mariyan Issac

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to direct the respondent to direct the 2nd and 3rd respondents not to interfere into the civil dispute and not to harass the petitioner under the guise of enquiry without due process of law.

For Petitioner : Mr.S.Mahendrapathy

For R-1 to R-3 : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

The petitioner complains harassment at the hands of the third respondent presumably at the instance of the fourth respondent.

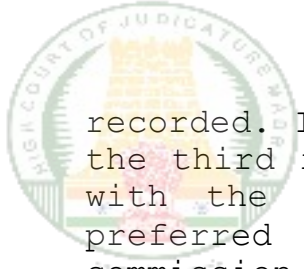
2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

3. The learned counsel appearing for the petitioner submits that the petitioner has taken some cottages belonging to the fourth respondent and faces some resistance to the easy working of the said agreement between him and the fourth respondent. He now faces harassment by the third respondent. He also added that a suit in O.S.No.97 of 2018 has been filed by the petitioner against the fourth respondent and the same is pending before the District Munsif Court, Kodaikanal.

4. The learned Additional Public Prosecutor submitted that both the parties have preferred complaints with the third respondent and the same are being enquired into. He added that the respondent police have neither harassed the petitioner nor intended to harass him.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The Statement of the learned Additional Public Prosecutor is



recorded. Inasmuch as the civil suit is pending between the parties, the third respondent necessarily has to step aside from interfering with the ongoing civil litigation. However, if the complaint preferred by the fourth respondent *prima facie* discloses the commission of any cognizable offence, and if the investigating officer desires to hold any preliminary interrogation / enquiry, the same shall be done by issuing fresh summons under Section 41 A Cr.P.C., mentioning a specific date and time for enquiry and also giving reasonable time for him to travel to the venue of such enquiry. The petitioner is also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioner.

6. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Superintendent of Police,
Dindigul District, Dindigul.

2.The Deputy Superintendent of Police,
Kodaikanal, Dindigul District.

3.The Inspector of Police,
Kodaikanal, Dindigul District

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.MAHENDRAPATHY, Advocate (SR-58730[F] dated
03/04/2019)

Cr1.O.P.(MD)No.4815 of 2019

01.04.2019

DS/ /SAR- (02.05.2019) 2P 6C