



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2019

CORAM:

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

CrI.O.P. (MD) No. 4821 of 2019

Justin

... Petitioner

/Vs./

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

2. The Inspector of Police,
District Crime Branch, Dindigul,
Dindigul District.

3. Jebakumar

4. Sarathi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.,
to direct the 2nd respondent not to harass the petitioner.

For Petitioner

: Mr. A. P. Balasubramani

For R-1 & R-2

: Mr. V. Neelakandan

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent not to harass the petitioner.

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

3. The learned counsel appearing for the petitioner submitted that the third respondent, who has advanced a vehicle loan, has forcibly removed the petitioner's vehicle and that the petitioner has preferred a complaint with the second respondent police, but he is not taking any action on his complaint.

4. Considering the above said statement of the learned counsel appearing for the petitioner, this Court holds that if the petitioner is aggrieved by any inaction on the part of the police on a complaint disclosing the commission of cognizable offence, then his remedy lies elsewhere in terms of the judgment of the Division Bench of this Court reported in **2018-2-L.W. (CrI.) 489 - [G. Prabakaran vs. The Superintendent of Police, Thanjavur District and another]**. Therefore, the petitioner is directed to work out his remedy in terms of the above said judgment.

5. The learned Additional Public Prosecutor submitted that the respondent police have neither harassed the petitioner nor intended to harass him.



6. The statement of the learned Additional Public Prosecutor is recorded. If at all the respondent police requires presence of the petitioner for any preliminary interrogation / enquiry, he shall issue 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. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Inspector of Police,
District Crime Branch, Dindigul,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P. (MD) No. 4821 of 2019

SM

KK/SAR/22.05.2019/ 2P- 4C