



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

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

Crl.O.P. (MD) No. 4974 of 2019

WEB COPY

S.Arasappan

... Petitioner

/Vs./

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Keelavalavu Police Station,
Melur, Madurai District.

3.Sivaprakasam

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to direct the 2nd respondent police not to harass the petitioner under the guise of enquiry in the civil dispute.

For Petitioner : Mr.K.Muthumalai

For R-1 & R-2 : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

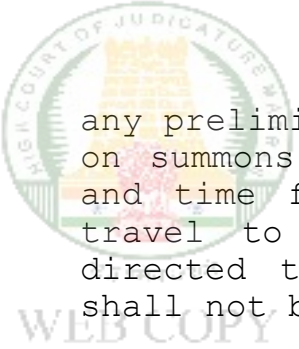
This criminal original petition has been filed to direct the 2nd respondent police not to harass the petitioner under the guise of enquiry in the civil dispute.

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 on the basis of the complaint given by the third respondent, the second respondent police is harassing the petitioner.

4. The learned Additional Public Prosecutor submitted that the complaint preferred by the third respondent is pending enquiry. He added that the respondent police have neither harassed the petitioner nor intended to harass him.

4. The said statement of the learned Additional Public Prosecutor is recorded. This Court now directs the respondent police that if the complaint discloses *prima facie* commission of any cognizable offence, necessarily the investigating Agency should follow the principles in the judgment reported in **2013 (6) CTC 353 [Lalitha Kumari Vs. Government of Uttar Pradesh]**. If on the other hand the second respondent considers that it is necessary to hold



any preliminary enquiry / interrogation, the same shall be done only on 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.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

TO

- 1.The Superintendent of Police,
Madurai District.
- 2.The Inspector of Police,
Keelavalavu Police Station,
Melur, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.K.MUTHUMALAI, Advocate, SR.No. 58539

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SM

KK/SAR/02.05.2019/ 2P- 5C

03.04.2019