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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

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

**Crl.O.P. (MD) No. 5015 of 2019**

Periyarasan @ Seeni

... Petitioner

/Vs./

1. The Superintendent of Police,  
Madurai District.
2. The Deputy Superintendent of Police,  
Madurai District.
3. The Inspector of Police,  
Anti-Land Grabbing Special Cell,  
Madurai District.
4. Kasi Viswanathan

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C to direct the respondents 1 to 3 not to harass the petitioner under the guise of enquiry on the complaint made by one Kasi Viswanathan against the petitioner.

For Petitioner : Ms.H.Yoheswari

For R-1 to R-3 : Mr.V.Neelakandan  
Additional Public Prosecutor

**ORDER**

The petitioner complains that he is being harassed by the third respondent presumably at the instance of his landlord, the fourth respondent herein.

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 earlier the fourth respondent has preferred a complaint, which was enquired by the third respondent and was closed. Again, the fourth respondent has come forward with yet another complaint.

<https://hcservices.ecourts.gov.in/hcservices/>  
4. The learned Additional Public Prosecutor submitted that in his complaint, the fourth respondent has accused the petitioner of fabricating some documents as to interfere with the actual legal



status. The respondent police have neither harassed the petitioner nor intended to harass her.

5. The said statement of the learned Additional Public Prosecutor is recorded.

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6. 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 third 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 her 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.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS )

To

1. The Superintendent of Police,  
Madurai District.
2. The Deputy Superintendent of Police,  
Madurai District.
3. The Inspector of Police,  
Anti-Land Grabbing Special Cell,  
Madurai District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s. H. YOHESWARI, Advocate in SR-58705

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