



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.04.2019**

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.5878 of 2019

Kalyani

... Petitioner

/Vs./

1.The Inspector of Police,
Anti Land Grabbing Special Cell,
Pudukottai District.

2.Ve.A.Ve.Muthaiah Chettiar

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the 1st respondent not to harass the petitioner in the guise of enquiry.

For Petitioner

: Mr.K.N.Govardhanan

For R-1

: Mr.V.Neelkandan

Additional Public Prosecutor

ORDER

This petition is filed to direct the 1st respondent not to harass the petitioner in the guise of enquiry.

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

3. The learned Additional Public Prosecutor submitted that a complaint has been preferred by the second respondent, wherein he has alleged land grabbing of a certain piece of property belonging to the second respondent by the petitioner by fabricating some documents. He further submitted that the first respondent is in the process of holding preliminary enquiry on the same and he has issued summons to the petitioner, but the petitioner did not appear. 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.

<https://hcservices.courts.gov.in/hcservices/>
5. The Court now directs the respondent police that if the enquiry discloses existence of the civil dispute, the first



respondent shall step aside. If the complaint discloses *prima facie* commission of any cognizable offence, necessarily the investigating Agency should follow the principles in the judgment reported in the case of **Lalitha Kumari Vs. Government of Uttar Pradesh** [2013 (6) CTC 353]. If on the other hand the first 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 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.

6. This Court now also directs the petitioner or her authorized representative to appear before the first respondent police. During enquiry, there shall not be harassment to the petitioner. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Inspector of Police,
Anti Land Grabbing Special Cell,
Pudukottai District.

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

+1 CC to M/s.K.N.GOVARDHANAN, Advocate (SR-62197[F] dated
24/04/2019)

SM

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_KM/ (08.05.2019) 2P 4C