



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2019**

CORAM:

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

CrI.O.P.[MD]No.5973 of 2019

Balaji

: Petitioner

/Vs./

1.The Superintendent of Police,  
Pudukkottai.

2.The District Superintendent of Police,  
Pudukkottai.

3.The Inspector of Police,  
Ganesh Nagar Police Station,  
Pudukkottai.

4.Kumarasamy

: Respondents

**PRAYER** : Criminal Original Petition is filed under Section 482 of Cr.P.C., to issue direction to the respondents 2 and 3 not to harass the petitioner under the guise of enquiry without following the due process of law.

|                |                              |
|----------------|------------------------------|
| For Petitioner | : Mr.P.Ganapathi Subramanian |
| For R-1 to R-3 | : Mr.V.Neelakandan           |
|                | Additional Public Prosecutor |

### **ORDER**

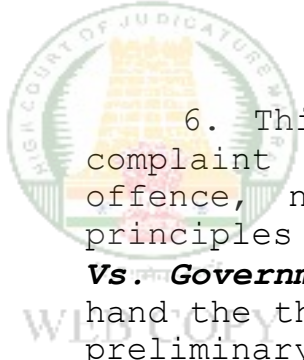
This petition is filed to direct the respondents 2 and 3 not to harass the petitioner under the guise of enquiry without following the due process of law.

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 petitioner is a lawful owner of a certain immovable property and the fourth respondent is attempting to forcibly evict him. The fourth respondent was a former Deputy Superintendent of Police. The third respondent, to show his loyalty to him, is harassing the petitioner.

4. The learned Additional Public Prosecutor submitted that both the petitioner and the fourth respondent have preferred separate complaints and both are being enquired into. The respondent police have not harassed the petitioner nor intended to harass him.

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



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 the case of **Lalitha Kumari Vs. Government of Uttar Pradesh** [2013 (6) CTC 353]. 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 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.

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

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS )

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To

1.The Superintendent of Police,  
Pudukkottai.

2.The District Superintendent of Police,  
Pudukkottai.

3.The Inspector of Police,  
Ganesh Nagar Police Station,  
Pudukkottai.

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

**Cr1.O.P. [MD]No.5973 of 2019**  
**25.04.2019**

CS: (04/06/2019) 2P 5C