



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.04.2019**

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

Crl.O.P.[MD]No.6093 of 2019

Abdul Rahim @ Ravi

: Petitioner

/Vs./

1. The Superintendent of Police,
O/o.Superintendent of Police, Ramanathapuram District.

2. The Deputy Superintendent of Police,
Keelakarai, Ramanathapuram District.

3. The Inspector of Police,
Keelakarai Police Station, Ramanathapuram.

4. Fathima : Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents 1 to 3 not to interfere with the civil dispute in between the petitioner and the fourth respondent.

For Petitioner : Mr.K.Sudalaiyandi

for Mr.S.Rajendran

For R-1 to R-3

: Mr.V.Neelakandan

Additional Public Prosecutor

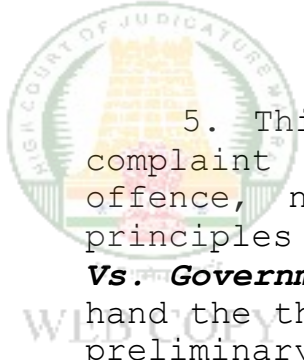
ORDER

This petition is filed to direct the respondents 1 to 3 not to interfere with the civil dispute in between the petitioner and the fourth respondent.

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

3. The learned counsel appearing for the petitioner has laid a civil suit against the fourth respondent in O.S.No.37 of 2012, that the said suit came to be dismissed once and the same has since been restored, that in the meantime, at the instance of the fourth respondent, the respondents 2 and 3 are interfering with the course of civil litigation.

4. The learned Additional Public Prosecutor submitted that the petitioner and the fourth respondent are spouses and that a complaint has been given by the fourth respondent and the same is



5. 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.

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

sd/
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1 . The Superintendent of Police,
O/o.Superintendent of Police,
Ramanathapuram District.
2. The Deputy Superintendent of Police,
Keelakarai, Ramanathapuram District.
3. The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.S.RAJENDRAN, Advocate (SR-62983[F] dated 26/04/2019)

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SM

MK (11.06.2019) 2P 6C