



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.6203 of 2019

Arumagam

... Petitioner

/Vs./

1.The Commissioner of Police,
Office of the Commissioner of Police,
Trichy City, Trichy District.

2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Kottai Sub Division,
Trichy City, Trichy District.

3.The Inspector of Police,
Gandhi Market Police Station,
Trichy City.

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the respondent no.2 and 3 not to harass the petitioner and his family members by intervening into the subject matter of the civil suit in O.S.No.1172 of 2018 pending on the file of the Hon'ble III Additional District Munsif, Tiruchirapalli.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.V.Neelkandan

Additional Public Prosecutor

ORDER

This petition is filed to direct the respondent no.2 and 3 not to harass the petitioner and his family members by intervening into the subject matter of the civil suit in O.S.No.1172 of 2018 pending on the file of the Hon'ble III Additional District Munsif, Tiruchirapalli.

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 a money dispute between the petitioner's brother and a certain Suresh, the respondent police are forcing the petitioner to sign some blank papers and harassing the petitioner and his family.



4. The learned Additional Public Prosecutor submitted that on the complaint preferred by the said Suresh, an enquiry is contemplated in C.S.R.No.29 of 2019, and added that there is no harassment by the respondent officials.

5. 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 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 (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Trichy City, Trichy District.
2. The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Kottai Sub Division,
Trichy City, Trichy District.
3. The Inspector of Police,
Gandhi Market Police Station,
Trichy City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P. (MD) No. 6203 of 2019

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