



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.6209 of 2019

Sappanimuthu

... Petitioner

/Vs./

1.The Superintendent of Police,
Ramanathapuram District, Ramanathapuram.

2.The Inspector of Police,
Kovilankulam Police Station,
Kovilankulam, Kamuthi Taluk,
Ramanathapuram District.

3.Sappanikaruppan

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the first respondent to instruct the 2nd respondent not to interfere in the civil dispute under the guise of enquiry in connection with a complaint dated 03.04.2019 given by the third respondent till the disposal of the case in S.A.(MD)Sr.No.32013 of 2018 on the file of this Court.

For Petitioner : Mr.T.Indrachithu

For R-1 & R-2 : Mr.V.Neelkandan

Additional Public Prosecutor

ORDER

The petitioner complains that he faces harassment at the hands of the second respondent police on the basis of the complaint given by the third respondent.

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 third respondent has laid a suit in O.S.No.38 of 2016 on the file of the learned Judicial Magistrate Court, Kamuthi against the petitioner and that came to be decreed, and in an appeal filed by the petitioner in A.S.No.107 of 2017 on the file of the Sub Court, Mudukulathoor, the trial Court decree came to be confirmed. A Second Appeal is now preferred with a petition to condone the delay. He added that all the fundamental facts touched on the cause of action is since changed, yet the police is interfering with the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned Additional Public Prosecutor submitted that on



the complaint preferred by the third respondent is pending enquiry in C.S.R.No.24 of 2019. The respondent police have neither harassed the petitioner nor intended to harass him.

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 second 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

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
Ramanathapuram District, Ramanathapuram.

2.The Inspector of Police,
Kovilankulam Police Station,
Kovilankulam, Kamuthi Taluk,
Ramanathapuram District.

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

+1cc to Mr.T.Indrachithu, Advocate, SR.No.63285

Cr1.O.P.(MD)No.6209 of 2019

SM

KK/SAR/13.05.2019/ 2P- 5C