

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATE: 12.06.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**Cr1.O.P. (MD) .No.8082 of 2019**

WEB COPY

Sakthivel

... Petitioner

-Vs-

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

2. The Sub-Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.

3. Ramamoorthy

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent herein not to harass the petitioner in the guise of enquiry without following the due process of law , and the second respondent to hand over the Hero Splender TN55 AE 0544 and Samsung A 700 Android Mobile which is in the illegal custody of second Respondent.

For Petitioner : Mr.N.Kamesh
For R1 and R2 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking direction to the second respondent herein not to harass the petitioner in the guise of enquiry without following the due process of law and to hand over the Hero Splender TN55 AE 0544 and Samsung A 700 Android Mobile which is in the illegal custody of second Respondent.

2.The grievance of the petitioner is that based on the complaint given by the third respondent, who is none other than stepbrother, the second respondent has been harassing the petitioner under the guise of enquiry and seized the Motorcycle and Mobile Phone. Hence, this petition has been filed.



3.The learned Additional Public Prosecutor, on instructions, submitted that based on the complaint given by the third respondent, enquiry is being conducted by the second respondent and they are not harassing the petitioner.

4.Considering the facts and circumstances of the case and considering the fact that a civil dispute is pending between the petitioner and the third respondent, the respondent police is directed to conduct enquiry and pass suitable order on the complaint given by the third respondent. If the second respondent seized any two wheeler and any mobile phone of the petitioner, he is directed to return to the petitioner forthwith. The petitioner is also directed to cooperate with the police for enquiry. At the time of conducting enquiry, the petitioner shall not be harassed by the respondent police.

5.With these observations, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS)

Ls/ksa

To

1. The Superintendent of Police,
Thanjavur,
Thanjavur District.
2. The Sub-Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.N.Kamesh, ADVOCATE IN SR No.68379

Cr1.O.P. (MD) No.8082 of 2019

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