



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.8221 of 2019

Sethuraman

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai, Madurai District.

2.The Assistant Commissioner of Police,
Tallakulam, Madurai.

3.The Superintendent of Police,
Madurai, Madurai District.

4.The Inspector of Police,
K.Pudur Police Station,
K Pudur, Madurai-7.

5.Karthik

6.Muniasamy

7.Mohanraj

8.Duraisingham

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the second respondent not to interfere in the civil dispute and not to harass the petitioner and his consultancy workers under the guise of enquiry without following due process of law based on the petitioner's representation dated 03.04.2019.

For Petitioner : Mr.S.Muthukumar
For R1 to R4 : Mrs.S.Bharathi
Government Advocate

ORDER

This writ petition is filed to direct the second respondent not to interfere in the civil dispute and not to harass the petitioner and his consultancy workers under the guise of enquiry without following due process of law based on the petitioner's representation dated 03.04.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the official respondents.



3. The petitioner complains that the fourth respondent is harassing him presumably at the instance of the respondents 5 to 8. He added that earlier the respondents 5 to 8 gave a complaint before Annanagar Police Station, which enquired and closed the matter. Now a renewed attempt is made to meet through another Police Station.

4. The learned Government Advocate submitted that the complaint preferred by the fifth respondent to the fourth respondent is being enquired into.

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 **2013 (6) CTC 353 [Lalitha Kumari Vs. Government of Uttar Pradesh]** case. If on the other hand the Investigation Officer 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 a 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 Writ Petition disposed of. No costs.

Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The Commissioner of Police,
Madurai, Madurai District.

2.The Assistant Commissioner of Police,
Tallakulam, Madurai.

3.The Superintendent of Police,
Madurai, Madurai District.



4.The Inspector of Police,
K.Pudur Police Station,
K Pudur, Madurai-7.

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Order made in
W.P.(MD)No.8221 of 2019
05.04.2019

GKG (CO)
TR (07.05.2019) 4P 5C