



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P. (MD) .No.10934 of 2019

1.S.Murugesan

2.Shanmugasundaram

... Petitioners

Vs.

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

2.The Inspector of Police,
District Crime Branch,
Theni District.

3.Paramasivam

... Respondents

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code to direct the second respondent not to harass the petitioners, based on the complaint given by the third respondent.

For Petitioners : Mrs.A.Banumathy

For R1 & R2 : Mr.K.Suyambulinga Bharathi
Additional Public Prosecutor

O R D E R

The petition has been filed seeking a direction to the second respondent not to harass the petitioners.

2. According to the petitioners, there is a money dispute between them and the third respondent. Earlier, the petitioners filed a suit against the third respondent herein in O.S.No.5281 of 2017 seeking for injunction restraining the third respondent from interfering with the petitioners' peaceful possession and enjoyment of the suit schedule property and to return the cheque. The suit is pending. Now, pending suit, based on the complaint given by the third respondent, for conducting enquiry, the second respondent police is harassing the petitioners.

3. The learned Government Advocate (Crl.side) on instructions would submit that earlier, a complaint has been given by the third



respondent in the year 2017 against the petitioners before the Superintendent of Police, Theni. Thereafter, he filed a writ petition before this Court seeking a direction to the Superintendent of Police and the other respondents to register a F.I.R. and to conduct investigation and in a batch of writ petitions, the Division Bench of this Court, directed the respondent police to conduct enquiry. Based on the order passed by the Division Bench, now, enquiry is being conducted and notice also issued to the petitioners. But, without appearing for the enquiry, the present writ petition has been filed by the petitioners.

4. I have considered the rival submissions and perused the materials available on record.

5. On perusal of the records, it is seen that the complaint given by the third respondent is pending before the second respondent from the year 2017 and based on the order passed by this Court, now the second respondent is conducting enquiry. That apart, it is not known whether any interim order passed in the civil suit filed by the petitioner.

6. In the above circumstances, the petitioners are directed to appear before the second respondent for enquiry and the second respondent is also directed not to harass the petitioners.

7. With the above directions, this criminal original petition is disposed of.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
District Crime Branch,
Theni District.

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

Order made in
CRL.O.P.(MD).No.10934 of 2019
Dated:02.08.2019

AKV
MS/05.09.2019/2P.4C