

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.OP.No.3005 of 2020

K.N.Sakthivel

.. Petitioner

-vs-

1.The Deputy Superintendent of Police,
Office of DSP, Karumathampatti Sub Division,
Coimbatore District.

2.P.Karthikeyan

3.Eswaramurthy .. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent not to harass the petitioner and his family members in the guise of enquiry on the complaint filed by the second respondent in the matter of the civil dispute arose from the business transactions between the petitioner and the respondents 2 and 3.

For Petitioner : Mr.P.Kalimuthy

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed to direct the first respondent not to harass the petitioner based on the complaint lodged by the respondents 2 and 3.

2. The learned counsel for the petitioner has submitted that the petitioner is a statutory tenant occupying the property of the third respondent as tenant. He further submitted that since the third respondent tried to evict the petitioner by force, the petitioner has filed a suit in O.S.No.141 of 2019 on the file of II Additional District Munsif, Coimbatore, for the relief of permanent injunction. He also filed an application in I.A.No.1 of 2019 seeking interim injunction in which the learned II Additional, District Munsif, Coimbatore, has granted ad-interim injunction on 25.10.2019. He further submitted that while the fact remains so, the respondents 2 and 3 with a view to evict the petitioner from the premises by force, they have

lodged a false complaint against the petitioner before the first respondent and the first respondent is compelling the petitioner to vacate the premises.

3. Per contra, the learned Additional Public Prosecutor has submitted that since a complaint has been received from the respondents 2 and 3, the petitioner was called only for enquiry purpose and was not subjected to any harassment.

4. A perusal of the order copy produced by the learned counsel for the petitioner passed in I.A. No.1 of 2019 in OS.No.141 of 2019 dated 25.10.2019, shows that the petitioner herein has filed a suit in OS.No.141 of 2019 on the file of the II Additional District Munsif, Coimbatore and also filed an application in IA.No.1 of 2019 for ad-interim injunction against the respondent herein. In the said petition the learned II Additional District Munsif, Coimbatore, has granted ad interim injunction on 25.10.2019 not to evict the petitioner by force.

5. Under the above circumstances, the first respondent should not have entertained any complaint against the petitioner for evicting from the tenant premises. Further, he should not harass the petitioner under the guise of enquiry in the civil matter.

6. With the above directions, this petition is disposed of.

Sd/-

Assistant Registrar(C.S.IV)

/True Copy/

Sub Assistant Registrar

To

1.The Deputy Superintendent of Police,
Office of DSP, Karumathampatti Sub Division,
Coimbatore District.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.P.Kalimuthu, Advocate Sr.No. 11182

AKM/14.02.2020/2P-4C /

CRL.O.P.No.3005 of 2020