

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9978 of 2020

Periyasamy,
S/o.Thottaiyan @ Thottalicoudar,
No.149, Vellimalai,
Thamaraikarai Post,
Bargur Village, Anthiyur,
Erode District.

...Petitioner

Vs.

1.Superintendent of Police,
Office of Superintendent of Police,
Erode - 638 001.

2.The Inspector of Police,
Bargur Police Station,
Erode-District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the second respondent not to harass the petitioner by involving in the petitioner's civil dispute, except due process law.

For Petitioner : Mr.V.Balamurugane

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

ORDER

This petition has been filed to direct the second respondent not to harass the petitioner by involving in the petitioner's civil dispute, except due process law.

2. Heard the learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondents police.

3. The learned counsel appearing for the petitioner submits that the second respondent is harassing the petitioner under the guise of enquiry. He further submitted that the second respondent is compelling the petitioner to execute a settlement deed in favour of the de-facto complainant and in this regard, already a suit is pending before the Sub-Court, Bavani, in O.S.No.412 of 2019.

4. The learned Additional Public Prosecutor appearing for the respondent police submits that the police called the petitioner for enquiry in the pending FIR in Crime No.81 of 2020. The case where the FIR is pending against the petitioner, there is no scope for this Court to entertain the petition under Section 482 of Cr.P.C., under the caption "Not to harass".

5. Considering the facts and circumstances and also the petitioner being an accused, the question of harassment by the second respondent will not arise. However, the second respondent is directed to not to insist the petitioner to do other than the crime committed by the petitioner.

6. With the above direction, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dna
To

1.The Superintendent of Police,
Office of Superintendent of Police,
Erode - 638 001.

2.The Inspector of Police,
Bargur Police Station,
Erode-District.

3.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.9978 of 2020

PP(CO)
RMP(23/07/2020)

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