



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.5683 of 2020

Gandhimathinathan

...Petitioner

Vs

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

2.The Inspector of Police,
Thalakulam Police Station,
Madurai District.

...1st & 2nd Respondent/Complainant

3.Srinivasan

...3rd Respondents/Defacto Complainant

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

For Petitioner : M/s.A.Banumathy

For R1 & R2 : Mr.A.Robinson

Government Advocate (CrI.side)

For R3

:Mr.V.Sriram

ORDER

This petition has been filed for restraining the respondent police from harassing the petitioner.

2.The petitioner is the son of the third respondent.

3.The learned counsel appearing for the third respondent states that the petitioner had forcibly taken away the property documents belonging to the third respondent.

4.According the petitioner's counsel, the property in question are the self acquired property of the third respondent.

5.The learned Government Advocate(CrI.side) submits that the case is still pending at the enquiry stage. On an earlier occasion, the petitioner had undertaken to return the documents and that he is presently absconding.

6. I am of the view that if any cognizable offence has been



made out, it is for the police to register an FIR. The police cannot be holding any informal enquiry.

7. In these circumstances, I am of the view that interest of justice will be served by issuing the following directions:-

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(I) The second respondent will issue summons in writing, if he wants to enquire the petitioner. There cannot be any oral summon for attending enquiry.

(II) If the second respondent registers any FIR, the petitioner will be given due notice, so that, the petitioner will have breathing time to move the concerned Court for the relief of anticipatory bail.

8. With this direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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

2. The Inspector of Police,
Thalakulam Police Station,
Madurai District.

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

CrI.O.P (MD) No.5683 of 2020
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KB(12.06.2020) 2P 4C