



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.11.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

CrI.O.P. (MD)No.6380 of 2020

1.G.Pandiammal

2.G.Kannan

... Petitioners

Vs.

1.The Superintendent of Police

Madurai District

2.The Inspector of Police

Peraliyur Police Station

Madurai

3.K.Durairaj

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent not to harass the petitioner in the guise of an enquiry on the basis of the false complaint given by the third respondent.

For Petitioner	: Mr.K.Neethi Mohan
For R1 & R2	: Mr.V.Neelakandan, Additional Public Prosecutor
For R3	: Mr.J.Jeyakumar

O R D E R

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner in the guise of an enquiry on the basis of the false complaint given by the third respondent.

2.The learned counsel for the petitioners would submit that the property in Survey No.206/15 measuring to an extent of 40 cents was in enjoyment and in peaceful possession of the petitioners' family. In the meanwhile, the third respondent lodged a complaint against the petitioners that he is the owner of the property and also stated that he has obtained a free government patta for the above mentioned property. Therefore, based on the complaint given by the third respondent, the second respondent police frequently harassing the petitioner under the guise of enquiry. Hence, the petitioners are before this Court.



3. When the petition is taken up for hearing, the learned Additional Public Prosecutor, appearing for the respondents 1 and 2, on instructions, would submit that based on the complaint, enquiry has been initiated in C.S.R.No.49 of 2020 and it is pending.

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4. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

5. Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the respondents 1 and 2 to follow the principles laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610*** while enquiring the petitioners.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Msa

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1. The Superintendent of Police, Madurai District

2. The Inspector of Police, Peraiyur Police Station,
Madurai

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

Crl.O.P. (MD)No.6380 of 2020
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PM(CO)

TR(24.11.2020) 2P 4C