



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.07.2020**

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

CrI.O.P.[MD]No.6352 of 2020

V.Nambu Sharmila

... Petitioner

Vs.

- 1.The State represented by
The Superintendent of Police,
Ramanathapuram District.
- 2.The State represented by
The Superintendent of Police,
Madurai District.
- 3.The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
- 4.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
- 5.Sundharamanickam

6.Maheswari

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, praying to direct the 2nd, 3rd and 4th respondents not to harass the petitioner and her family members and consequently direct the 1st respondent to take appropriate action against the respondents 3 to 4 for their misuse of official power based on the petitioner's representation dated 02.06.2020.

For Petitioner	: Mr.C.Susi Kumar
For R1 to R4	: Mr.S.Chandrasekar Additional Public Prosecutor
For R5 & R6	: No appearance

O R D E R

This petition has been filed seeking a direction to direct the respondent Nos.2 to 4 not to harass the petitioner and her family members under the guise of enquiry.



2.The learned counsel appearing for the petitioner would submit that the petitioner herein is a tenant under the fifth respondent, who is working as a Deputy Superintendent of Police. The sixth respondent is the wife of the fifth respondent. Due to dispute arose between the petitioner and the fifth respondent, the fifth respondent herein requested the petitioner to vacate the premises and hand over the vacant possession to her. In this regard, she has lodged a complaint before the fourth respondent. During the time of enquiry, the fourth respondent, viz., the Inspector of Police, Kenikkarai Police Station, took the petitioner's relative's car bearing Registration No.TN-74-AL 9180, which was in the possession of the petitioner. The petitioner has got the said car from her relative for their personal use. Now, the said car was used by the fourth respondent and therefore, the petitioner has approached this Court.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that based on the petition given by the fifth respondent, the fourth respondent herein initiated an enquiry in C.S.R.No.383 of 2020 on 31.05.2020. In the enquiry, both parties are appeared before the fourth respondent on 01.07.2020. He would further submit that during the time of enquiry, the petitioner has given an undertaking to vacate the premises. Therefore, the complaint given by the fifth respondent has been closed.

4.The learned Additional Public Prosecutor further would submit that as of now, the alleged car is in the custody of the fourth respondent, however the same was seized by the fourth respondent only on suspicious grounds. The fourth respondent would undertake that if the petitioner produces the necessary documents, which relates to the ownership of the car, he is ready to hand over the said car to the petitioner. The said submission made by the learned Additional Public Prosecutor is recorded.

5.Upon considering the arguments advanced by either side, this Court is of the view that since no enquiry has been pending against the petitioner, the question of harassing the petitioner by the fourth respondent does not arise. Further, the learned Additional Public Prosecutor undertakes to return the car on due verification of R.C Book relates to the vehicle.

6.In the said circumstances, in respect of the vehicle, the learned counsel appearing for the petitioner would submit that though the car is in the possession of the petitioner, the registered owner of the car is the petitioner's relative. However, the fourth respondent is directed to return the vehicle to the registered owner immediately, on due verification of R.C book.



7. With the above observation and direction, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
Ramanathapuram District.

2. The Superintendent of Police,
Madurai District.

3. The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

4. The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.

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

+1 CC to M/s.C.SUSIKUMAR, Advocate (SR-13166[F] dated
20/07/2020)

CrI.O.P.[MD]No.6352 of 2020
17.07.2020

CK(CO)
TR(28.07.2020)3P 7C