



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.[MD]No.7064 of 2020

WEB COPY

P.Vel Murugan

... Petitioner

Vs.

1.The Superintendent of Police,
Ramnad District.

2.The Inspector of Police,
Kadaladi Police Station,
Ramnad District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, praying to direct the first and second respondent and his men not to harass the petitioner and his family members.

For Petitioner : Mr.R.M.Makesh Kumaravel

For Respondents : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the first and second respondent herein not to harass the petitioner in the name of enquiry without due process of law.

2.The learned counsel appearing for the petitioner would submit that on 29.06.2020, the second respondent in this petition went to the home of the petitioner along with his team and compelled him to come to the second respondent's station. He would further submit that at the time of search, without offering any explanation, the second respondent police left him and took the black color Apache two wheeler belongs to the family of the petitioner bearing Registration No.TN 65 AX3825. Hence, in the said circumstances, it is necessary to pass an order of not to harass in favour of the petitioner.

3.The learned Additional Public Prosecutor would submit that during the time of vehicle check up, the second respondent police recovered the petition mentioned vehicle only on suspicious circumstances. Further, he would submit that if the petitioner produce the RC book and other relevant documents to prove that he is the owner of the said vehicle, the second respondent is ready to return the vehicle to the petitioner. Further, he submitted that no cellphone is recovered.

4. Considering the rival submissions made by either side, it is



apparent that when at the time the second respondent is performing his duty, he recovered the vehicle which belongs to the petitioner. The act done by the second respondent cannot be said as harassment. However, considering the facts and circumstances of the case, it would be appropriate to give the following directions to avoid further consequence. The petitioner is directed to produce the RC book and other relevant documents related to the recovered vehicle before the second respondent within a period of two weeks to show his *bona fide*. On such production, if the second respondent finds that the petitioner is the owner of the property, immediately he should hand over the vehicle to the petitioner. Further, at the time of production of the document, the second respondent may not harass the petitioner.

5.The Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS)

// 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,
Ramnad District.
- 2.The Inspector of Police,
Kadaladi Police Station,
Ramnad District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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