



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.09.2020**

CORAM:

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

Cr1.O.P. [MD]No.10268 of 2020

S.John Pushpa Raj

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District, Nagercoil-1.

2.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

3.Christhu Raj

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent not to harass the petitioner and his family members on the guise of enquiry on the basis of the complaint given by the third respondent and consider the petitioner's representation dated 09.09.2020 to the first respondent.

For Petitioner : Mr.D.Christenson Jugunu
For R1 and R2 : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to direct the second respondent not to harass the petitioner and his family members under the guise of enquiry.

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

3.The learned counsel appearing for the petitioner would submit that in respect to the land measuring an extent of 13 cents, in Survey No.288A, Nalloor Village, the petitioner is having civil dispute with the father of the third respondent. Further, for the same, both the petitioner and the father of the third respondent approached the Civil Court and ultimately, as of now, S.L.P.No.6172 of 2020, is pending before the Hon'ble Apex



Court. He would further submit that in this regard, upon the complaint given by the third respondent against the petitioner, the second respondent Police herein frequently called the petitioner and harassed him under the guise of enquiry.

WEB COPY 4. In response to the said submission, the learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would submit that upon the complaint given by the third respondent, the petitioner herein was summoned and during the enquiry, both the petitioner and the third respondent have given an undertaking that they will follow the judgment to be rendered by the Hon'ble Apex Court and after recording the said undertaking, the enquiry has been closed. He would further submit that as of now, no petition / enquiry is pending on the file of the second respondent Police.

5. Therefore, in the absence of any petition / enquiry against the petitioner, the respondent Police shall not call the petitioner under the guise of enquiry. Accordingly, the Criminal Original Petition stands closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

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,
Kanyakumari District, Nagercoil-1.

2. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.



COPY TO

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

CrI.O.P. [MD] No.10268 of 2020
24.09.2020

AVS (CO)

TR(06.10.2020) 3P 4C