



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CrI.O.P (MD) No.12178 of 2020

1.M.Stella

2.M.Anthony Priestly Pratheep Raja

... Petitioners

Vs

1.The Superintendent of Police

Kanyakumari District at Narghercoil

2.The Inspector of Police

Anti Land Grabbing Special Wing

Kanyakumari District at Nagercoil

3.T.Aravindhan

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the second respondent not to harass the petitioners and their family members and not to interfere with the civil dispute between the petitioners and third respondent under the guise of enquiry.

For Petitioners

: Ms.R.Jenifar Bibin

For R1 & R2

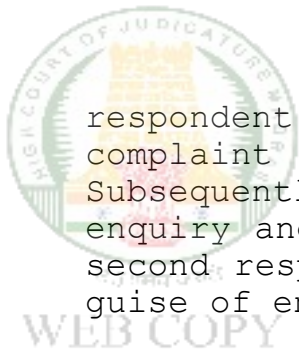
: Mr.V.Neelakandan,

Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioners and their family members and not to interfere with the civil dispute between the petitioners and third respondent under the guise of enquiry.

2.The learned counsel for the petitioners would submit that the first petitioner is the mother of the second petitioner. The property comprised in Rs.No.477/17A of Azhagappapuram Village, Augasteeswaram Taluk, Kanyakumari District belongs to the petitioners and the third respondent. The property originally belonged to Mrs.Thekilammal (now deceased) who is the paternal grandmother of the second petitioner and the third respondent herein. In this circumstances, the third respondent intended to purchase the entire property for construction of building by demolishing the existing one. On 19.08.2020, the third respondent trespassed into the house of the petitioners and caused damage. In this regard, the petitioners filed a suit in O.S.No.100 of 2020 before the I Additional District Munsif, Nagercoil against the third



respondent. Be that as it may, the third respondent made a false complaint before the first respondent against the petitioners. Subsequently, the second respondent summoned the petitioners for enquiry and the same was conducted on 21.09.2020. Nevertheless, the second respondent is frequently harassing the petitioners 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, on instructions, would submit that there is an enquiry pending against the petitioners.

4. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent 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 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 (Records)

// 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
Kanyakumari District at Nagercoil

2. The Inspector of Police
Anti Land Grabbing Special Wing
Kanyakumari District at Nagercoil

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

+1 CC to M/s.R.JENIFARBIBIN, Advocate (SR-20949[F] dated
03/11/2020)

Crl.O.P(MD)No.12178 of 2020
02.11.2020