



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.11.2020**

CORAM:

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

Crl.O.P. (MD)No.12333 of 2020

Kathirvel

... Petitioner

Vs.

1.The Superintendant of Police,  
Thoothukudi District,  
Thoothukudi.

2.The Inspector of Police  
Thoothukudi Central Police Station,  
Thoothukudi  
Thoothukudi District.

3.Pattani

...Respondents

**PRAYER** : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent herein not to harass the petitioner herein under the guise of enquiry on the complaint lodged by the third respondent / Pattani, before the second respondent.

For Petitioner

: Mr.A.Thiruvadi Kumar

For Respondents 1 and 2

: Mr.V.Neelakandan,

Additional Public Prosecutor

### **O R D E R**

This petition has been filed to direct the second respondent herein not to harass the petitioner herein under the guise of enquiry on the complaint lodged by the third respondent / Pattani, before the second respondent.

2.The petitioner would state that there was a money transaction between the petitioner and the third respondent and the petitioner had settled the dues, the third respondent by using his Official power had constrained the petitioner to execute a document in the second respondent police station under compulsion. Though the dispute pertains to money transaction, the second respondent is conducting a Kangaroo Court, which had constrained the petitioner to approach 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 petitioner.

4.Heard the learned counsel appearing for the petitioner 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 petitioner.

Sd/-

Assistant Registrar (Records)

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

Crl.O.P.[MD]No.12333 of 2020  
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SSS(CO)  
KB(19.11.2020) 2P 4C