



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.11.2020**

CORAM:

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

Crl.O.P. (MD)No.12412 of 2020

U.Baskaran

... Petitioner

Vs.

1.The Inspector of Police
Palayamkottai Police Station
Palayamkottai
Tirunelveli District

2.A.Murugan

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent not to harass the petitioner in the guise of enquiry.

For Petitioner	: Mr.C.Saravanakumar
For R1	: Mr.V.Neelakandan, Additional Public Prosecutor

O R D E R

This petition has been filed to direct the second respondent not to harass the petitioner in the guise of enquiry.

2.The learned counsel for the petitioner would submit that due to the property dispute, the second respondent made a false complaint before the first respondent alleging that three feet of pathway was there in the petitioner's property. On the basis of the complaint, the first respondent called the petitioner for enquiry. Accordingly, the petitioner appeared for enquiry before the first respondent. But the first respondent without conducting proper enquiry restricted the petitioner not to do any construction work pending enquiry of complaint given by the second respondent. The petitioner had also made the representations dated 12.10.2020 and 27.10.2020 to the Commissioner of Police, Tirunelveli City in this regard. Since the respondent police is continuously harassing the petitioner, the present petition is filed.

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 first respondent.



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 petitioner.

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Sd/-

Assistant Registrar (Cs-I)

// 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 Inspector of Police
Palayamkottai Police Station
Palayamkottai
Tirunelveli District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.12412 of 2020
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