



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD) No.12411 of 2020

WEB COPY

P.Senthil Kumar

... Petitioner

Vs.

1.The Superintendent of Police
Sivagangai District

2.The Inspector of Police
Karaikudi North Police Station
Karaikudi ,Sivagangai District

3.Krishnan

... Respondents

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent not to interfere into the civil dispute and thereby not to harass the petitioner and his family under the guise of enquiry based on the representation dated 28.10.2020.

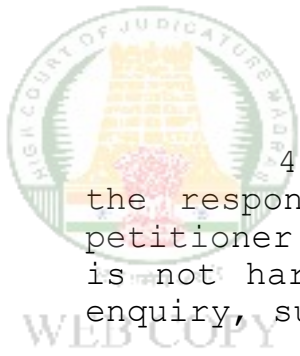
For Petitioner	:	Mr.C.Ezhilarasu
For R1 & R2	:	Mr.V.Neelakandan
		Additional Public Prosecutor

O R D E R

This petition has been filed to direct the second respondent not to interfere into the civil dispute and thereby not to harass the petitioner and his family under the guise of enquiry based on the representation dated 28.10.2020.

2.According to the petitioner, he received a sum of Rs.3,00,000/- as hand loan from the third respondent. Thereafter, due to financial crises, the petitioner has not able to pay the said amount. Thereafter, the third respondent trespassed into petitioner's house and made a life threat against the petitioner and his family members, for which, both of them had lodged the complaints before the respondent police. Subsequently, F.I.R has been registered in Crime Nos. 408 and 409 of 2020 against each other. Thereafter, the third respondent filed a cheque petition under Section 138 of Negotiable Instrument Act in S.T.C.No.107 of 2020 and it is pending. In this circumstances, the second respondent is harassing the petitioner under the guise of enquiry. Hence, the petitioner made a representation dated 28.10.2020 to the first respondent and requested him to direct the second respondent not to interfere into the civil dispute and not to harass the petitioner.

3. The learned counsel for the petitioner further submitted that the respondent police may be directed to issue summon to the petitioner before enquiring the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would submit that the petitioner was called for an enquiry only and the respondent police is not harassing the petitioner. He further submitted that before enquiry, summon will be issued to the petitioner.

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

6.Whatever might be the circumstances, the respondent police investigate into the matter in accordance with law and the mandates as found set out in ***D.K.Basu Vs.State of West Bengal reported in AIR (1997) SC 610***. If really, the police want to interrogate, it is open for the police to issue summons to the petitioner. Thereupon, the petitioner shall appear before the police and submit himself for interrogation, for which, the learned Additional Public Prosecutor has not raised any objection.

7.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

// 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 ,Sivagangai District

2.The Inspector of Police
Karaikudi North Police Station
Karaikudi ,Sivagangai District

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

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