WEB COPY

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.12537 of 2020

Kannan :Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
City Crime Branch,
Madurai

3.H.Syed Mydeen :Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., directing the respondents 1 & 2 not to harass the petitioner under the guise of the enquiry on the basis of the alleged complaint given by 3rd respondent the Defacto complainant herein and further direct the respondent police 1 & 2 to not to interfere in the Civil dispute and pass any other direction deemed fit to the fact and circumstances of the case.

For Petitioner : Mr.P.M.Vishnuvarthanan
For R1 & R2 : Mr.V.Neelakandan
Additional Public Prosecutor.

ORDER

This petition has been filed to direct the respondents 1 & 2 not to harass the petitioner under the guise of the enquiry on the basis of the alleged complaint given by 3rd respondent the Defacto complainant herein and further direct the respondent police 1 & 2 to not to interfere in the Civil dispute.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Criminal Side) for the official respondents.

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant entered into a sale agreement in respect of the property owned by one Mr.P.Pandi Selvam. No amount was received directly received by the petitioner from the defacto complainant in respect of the sale. The defacto complainant has made up his mind to grab money from the petitioner and gave a complaint to the Commissioner of Police. Based on which, the petitioner was called for enquiry. The enquiry was conducted and found that it is purely a civil dispute. Even thereafter, the defacto complainant

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

through the respondent police harassing the petitioner. Hence, this petition.

4.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.

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.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Vrn

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 Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
City Crime Branch,
Madurai

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

+1 CC to Mr.P.M. VISHNUVARTHANAN, Advocate (SR-21562[F] dated 09/11/2020)

Crl.O.P.(MD)No.12537 of 2020
06.11.2020

VB (23.11.2020) 2P 5C

https://hcservices.ecourts.gov.in/hcservices/