



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.11.2020**

CORAM:

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

Crl.O.P. (MD)No.12818 of 2020

WEB COPY

1.Raasu

2.Jeeva

... Petitioners

Vs.

1.State represented by
The Superintendent of Police
Pudukkottai
Pudukkottai District

2.The Inspector of Police
Thirukokarnam Police Station
Pudukkottai
Pudukkottai District

3.Karmegam

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue a direction directing the second respondent not to harass the petitioners under the guise of an enquiry.

For Petitioners	:	Mr.S.Poornachandran
For R1 & R2	:	Mr.V.Neelakandan, Additional Public Prosecutor

O R D E R

This petition has been filed to issue a direction directing the second respondent not to harass the petitioners under the guise of enquiry.

2.According to the petitioners, the property situated at S.No.278 Perunchunai Post, Pudukkottai District measuring 0.40.5 acres belongs to the Government. For the time immemorial, the petitioners are using the land by accumulating fire sticks and to shut the cattle. The petitioners requested patta for the said land in the year 2018 to the Thasildhar, Pudukkottai and it is pending. In this circumstances, the third respondent is no way connected with the above said property, being a real estate broker trying to evict the petitioners and sell the property to the third parties. The petitioners resisted the same. Subsequently, the first petitioner filed a civil suit for an injunction in O.S.No.135 of 2018 on the file of the District Munsif, Pudukkottai and it is pending. Thereafter, the third respondent lodged a complaint dated 13.10.2020. Based on the complaint, the second respondent police



continuously harassing the petitioners under the guise of enquiry. Against which, the petitioners made a representation dated 28.10.2020 to the first respondent. But the same does not evoke any response. Hence, the present petition.

3.The learned Additional Public Prosecutor appearing for the respondents 1 and 2, 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 respondents 1 and 2.

5.Considering the facts and circumstances of the case, the second respondent police is directed 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.

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

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 Superintendent of Police
Pudukkottai Pudukkotai District

2.The Inspector of Police
Thirukokarnam Police Station
Pudukkottai , Pudukkotai District

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

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SJ(CO)

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