



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CrI.O.P.(MD)No.12924 of 2020

C.Nagalingam

Petitioner

Vs.

1.The Inspector of Police,
Kalayarkoil Police Station,
Sivagangai District.

2.Mr.C.Rajasekaran
3.Mr.C.Balakrishnan

Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 1st respondent not to harass/interfere into with the possession of properties/business running by petitioner in the name and style of S.N.PrekaashMaligai Store with Kolikadai situated at Paruthikanmoi Village, Kalayarkoil Taluk, Sivagangai District in Survey No.78/25 A1,No.78/25 A2,No.78/25 A3,No.78/25 A4, and in civil dispute exist between the petitioner and the 2nd and 3rd respondents.

For Petitioner : Mr.I.Arockia Selvaraj
For R1 : Mr.V.Neelakandan
Additional Public Prosecutor.

ORDER

This petition has been filed to direct the 1st respondent police not to harass the petitioner under the guise of the enquiry.

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

3.The learned counsel for the petitioner would submit that the petitioner and the second & third respondents are brothers. During the life time of petitioner's father, he settled some property to the respondents 2 &3. Thereafter, there are some property dispute among the petitioner and the respondents 2 & 3. According to the petitioner, based on the false complaint given by the second respondent, the first respondent police is harassing the petitioner. Hence, this petition.

4.When the petition is taken up for hearing, the learned Additional Public Prosecutor would submit that earlier the second respondent had filed CrI.O.P(MD) No.10680 of 2020 seeking police protection. Based on which, the petitioner was called for enquiry by issuing summons. No such harassment as contended by the learned counsel for the petitioner.



5.Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the first respondent 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 (CSI)

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

+1 CC to M/s.I.AROCKIA SELVARAJ, Advocate (SR-22156[F] dated 19/11/2020)

Crl.O.P. (MD) No.12924 of 2020
18.11.2020

PU (CO)

KB (26.11.2020) 2P 4C