



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.12931 of 2020

C.Palanisamy

... Petitioner

Vs.

1.The Superintendent of Police,
Karur District,
Karur.

2.The Deputy Superintendent of Police,
Aravakuruchi Division,
Aravakuruchi,
Karur District.

3.State rep by
The Inspector of Police,
Aravakuruchi Police Station,
Karur District.

4.A.Manoharan

5.A.Mohanraj

6.A.Annadurai

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., directing the respondents 2 & 3 not to harass the petitioner.

For Petitioner : Mr.R.Mathiyalagan

For R1 to R3 : Mr.V.Neelakandan

Additional Public Prosecutor.

ORDER

This petition has been filed to direct respondents 2 & 3 not to harass the petitioner.

2. The petitioner's friend namely Chinnaiappa Gounder is the owner of the adjacent land to the petitioner's residence. There was a property dispute between the petitioner's friend and the respondents 4 to 6, for which the petitioner's friend has filed suit in O.S.No.820 of 2019, before the Sub Court, Karur and



the same is pending. While that being so, the petitioner's friend requested him to take care of his property. Therefore, the respondents 4 to 6 are threatening the petitioner to get pathway from the said Chinnaiaappa Gounder's property. When the petitioner refused to do so, the respondents 4 to 6 have lodged false complaint against the petitioner before the respondents 2 and 3. Without verifying the fact, the respondents 2 & 3 are harassing the petitioner. Hence, the petitioner made a representation dated 03.11.2020 to the respondents 1 to 3, to direct the third 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 petitioner is aged about 78 years and he was no way connected with the dispute between the petitioner's friend and the respondent Nos.4 to 6.

4.The learned Additional Public Prosecutor appearing for the respondents 1 to 3, on instructions, would submit that the petitioner was called for enquiry based on the complaint given by the fourth respondent and the respondent police is not harassing the petitioner.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1to 3.

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.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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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,
Karur District,
Karur.
- 2.The Deputy Superintendent of Police,
Aravakuruchi Division,
Aravakuruchi,
Karur District.
- 3.The Inspector of Police,
Aravakuruchi Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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CK(CO)

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