



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.12905 of 2020

R.Shanmugarajan

... Petitioner

Vs.

1.The Inspector of Police
Uvari Police Station
Tirunelveli District

2.R.Vijayarajan

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent that not to harass the petitioner in the guise of enquiry on the foisted complaint of the second respondent.

For Petitioner : Mr.N.Ramesh Arumugam
For R1 : Mr.V.Neelakandan,
Additional Public Prosecutor

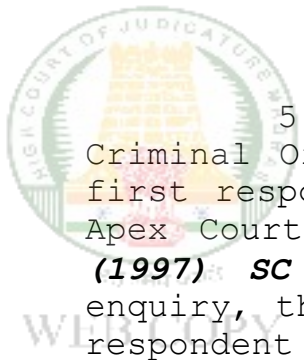
O R D E R

This petition has been filed to direct the first respondent not to harass the petitioner in the guise of enquiry on the foisted complaint of the second respondent.

2.According to the petitioner, there was a property dispute between the petitioner and the second respondent. On 18.05.2020, the second respondent along with his henchmen abused and caused life threat to the petitioner. Hence, the petitioner lodged a complaint dated 19.05.2019 before the first respondent. The grievance of the petitioner is that instead of taking action against the second respondent, the first respondent called the petitioner for enquiry stating that the second respondent has given a complaint and the respondent police is harassing the petitioner during the enquiry. Hence, the present petition.

3.When the petition is taken up for hearing, the learned Additional Public Prosecutor appearing for the first respondent, on instructions, would submit that there is an enquiry pending against the petitioner.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.



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. At the time of enquiry, the petitioner's complaint shall also be considered by the respondent police.

Sd/-

Assistant Registrar (CS-)

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

Crl.O.P. (MD)No.12905 of 2020
11.11.2020

VB (24.11.2020) 2P 3C