



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD)No.13043 of 2020

WEB COPY

Kaja Mydeen

... Petitioner

vs.

1)The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2)The Sub Inspector of Police,
Melayapalayam Police Station,
Tirunelveli City.

3)The Inspector of Police,
Anti-Land Grabbing Special Cell,
Palam Police Station 2nd Floor,
Tirunelveli Junction,
Tirunelveli City.

4)Vel

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondents 2 and 3 not to harass the petitioner under the guise of enquiry by involving in the civil dispute based on the foisted complaint of the 4th respondent.

For Petitioner	:	Mr.C.Susi Kumar
For R1 to R3	:	Mr.V.Neelakandan
		Additional Public Prosecutor

ORDER

The present petition has been filed to direct the respondents 2 and 3 not to harass the petitioner under the guise of enquiry by involving in the civil dispute based on the foisted complaint of the 4th respondent.

2.The learned counsel for the petitioner would state that the petitioner as power agent of one Maniraj, Lasar and Chandirakumar entered into oral sale with one Meeran Mydeen and Ayoop in respect of the land measuring to an extent of 2¼ cents in Reddiarpatti Road, Melapalayam, Tirunelveli City, for a sale consideration of Rs.5,00,000/- on a condition that the petitioner has to execute the sale deed to their proposed purchaser. Accordingly, the said Meeran Mydeen and Ayoop proposed the 4th respondent and the petitioner executed sale deed in favour of the 4th respondent for a sale consideration of Rs.15,00,000/- and the 4th respondent constructed a



house in the said land. Thereafter, the 4th respondent approached the petitioner stating that without issuing any notice, some authorities were trying to demolish his house and therefore, he requested the petitioner to repay the amount given by him, for which, the petitioner replied to the 4th respondent to approach Meeran Mydeen and Ayoop. Therefore, the 4th respondent lodged a complaint against the petitioner before the 2nd respondent/Police and the 2nd respondent directed the petitioner to pay a sum of Rs.10,00,000/- to the 4th respondent or otherwise, they will foist a false case against him. The 4th respondent also lodged a complaint to the 3rd respondent/Anti-Land Grabbing Special Cell. According to the petitioner, the dispute between him and the 4th respondent is purely civil in nature but under the guise of enquiry, the respondents 2 and 3 are continuously harassing the petitioner. Therefore, the petitioner made a representation dated 01.11.2020 to the 1st respondent for appropriate action. Since no action was taken till date, the petitioner has filed the present petition.

3.The learned Additional Public Prosecutor would state that the 4th respondent has made complaints against the petitioner before the respondents 2 and 3, in which, there is an enquiry pending against the petitioner and though the petitioner has stated that the dispute is civil in nature, no civil suit is pending.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor. In view of the order going to be passed, notice to the 4th respondent is not necessary.

5.Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the respondents 1 to 3 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-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Bala

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.



To

- 1) The Commissioner of Police,
Tirunelveli City,
Tirunelveli.
- 2) The Sub Inspector of Police,
Melayapalayam Police Station,
Tirunelveli City.
- 3) The Inspector of Police,
Anti-Land Grabbing Special Cell,
Palam Police Station 2nd Floor,
Tirunelveli Junction,
Tirunelveli City.
- 4) The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.O.P(MD)No.13043 of 2020
DATED : 23.11.2020

KG(CO)
AP(04/12/2020) 3P 5C