



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.13141 of 2020

G.Pitchaimani

: Petitioner

Vs.

1.The Commissioner of Police,
Madurai City.

2.The Assistant commissioner of Police,
Anti-Land Grabbing Special Cell,
Madurai City.

3.Sivasankaran

4.Chinnappa

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent not to harass the petitioner under the guise of enquiry or investigation under the false and after thought complaint given by the third respondent and desist from involving any kind of threatening and illegal acts of getting statements from the petitioner owing liability towards third respondent.

For Petitioner :Mr.S.Siva Ilayaraja

For Respondents :Mr.V.Neelakandan

Additional Public Prosecutor, for R1 & R2

ORDER

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioner under the guise of enquiry.

2. The learned counsel appearing for the petitioner reiterated the contentions set out in the affidavit. He further submitted that there was a civil dispute pending between the parties. In that regard, the petitioner filed a suit in O.SNo. 88 of 2015, on the file of the learned District Munsif Court, Madurai and the same was decreed in favour of the petitioner. Thereafter, at the instigation of the respondents 3 and 4, the second respondent is harassing the petitioner. For which, the petitioner made a representation dated 19.10.2020, to the first petitioner and the same was not considered. Hence, the petitioner is before this Court.

3.The learned counsel for the petitioner further submitted that the respondent police may be directed to issue summon to the petitioner before enquiring him.

4.The learned Additional Public Prosecutor appearing for the



official respondents, on instructions, would submit that the petitioner was called for an enquiry only and the respondent police is not harassing the petitioner. He further submitted that before enquiry, summon will be issued to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

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, for which, the learned Additional Public Prosecutor has not raised any objection.

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

Sd/-

Assistant Registrar (CSIII)

// True Copy //

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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 Commissioner of Police,
Madurai City.
2. The Assistant commissioner of Police,
Anti-Land Grabbing Special Cell,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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