



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.13516 of 2020

P.Palraj

Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Koodal Pudur Police Station,
Madurai City,
Madurai.

3.R.Ganesan

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent police official not to harass the petitioner and his family members against law.

For Petitioner	: Mr.J.Senthil Kumaraiah
For R1 & R2	: Mr.V.Neelakandan Additional Public Prosecutor.
For R3	: Mr.Babu Rajendran

ORDER

This petition has been filed to direct the 2nd respondent police official not to harass the petitioner and his family members against the law.

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

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant had entered into an oral agreement to rent a Shop No.H 17 A, with an advance amount of Rs.1,50,000/- and daily rent of Rs.500/-. The petitioner was also very prompt in paying the daily rent. But, due to Covid-19 pandemic and nationwide lockdown announced by the Government, all the shops in Complex was closed temporarily. On 03.11.2020, the third respondent approached the petitioner and threatened him to vacate the aforesaid shop without any reason. For the complaint given by the 3rd respondent, the petitioner was informed to appear before the 2nd respondent on 03.11.2020 for enquiry. During the enquiry, the petitioner sought for some sufficient time to vacate same. Even then, the second respondent police along with the third respondent was threatening the petitioner. Hence, the petitioner has sent representation to the respondent police on 18.11.2020 and the same has not been considered so far. Hence, this petition.



4. When the petition is taken up for hearing, the learned Additional Public Prosecutor, on instructions, would submit that based on the complaint given by the petitioner, CSR No.506 of 2020 has been assigned on 31.10.2020 and the enquiry is pending.

WEB COPY

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

// 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 Commissioner of Police,
Madurai City,
Madurai.
2. The Inspector of Police,
Koodal Pudur Police Station,
Madurai City,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.BABU RAJENDRAN, Advocate (SR-23222[F] dated 30/11/2020)

Cr1.O.P. (MD) No.13516 of 2020
27.11.2020

BK(CO)
KB(04.12.2020) 2P 5C