



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2020

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

Crl.O.P. (MD)No.13588 of 2020

L.Mahesh

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,  
District Crime Branch,  
Tirunelveli District.

3.The Inspector of Police,  
District Crime Branch,  
Tirunelveli,  
Tirunelveli District.

4.J.Viyagappan

... Respondents

**PRAYER:** Criminal Original Petition is filed under Section 482 of Cr.P.C., directing the respondents 1 to 3 herein not to harass the petitioner in the guise of any enquiry on the basis of crime No.3 of 2020 on the file of the third respondent.

|                |   |                               |
|----------------|---|-------------------------------|
| For Petitioner | : | Mr.N.Tamilmani                |
| For R1 to R3   | : | Mr.V.Neelakandan              |
|                |   | Additional Public Prosecutor. |

**ORDER**

This petition has been filed to direct the respondents 1 to 3 herein not to harass the petitioner in the guise of any enquiry on the basis of crime No.3 of 2020 on the file of the third respondent.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the official respondents. Since no adverse order is going to be passed, notice to the fourth respondent is not necessary.

3.The learned counsel for the petitioner would submit that the petitioner due to money dispute, the fourth respondent preferred a complaint and based on the complaint, FIR was registered in Cr.No.3 of 2020. The petitioner herein is no way connected in any of the transaction, however, the respondent police harass the petitioner in the name of enquiry. Hence, this petition.

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



5.Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the official 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 petitioners.

WEB COPY

Sd/-

Assistant Registrar ()

// 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 Superintendent of Police,  
Tirunelveli,Tirunelveli District.
- 2.The Deputy Superintendent of Police,  
District Crime Branch,  
Tirunelveli District.
- 3.The Inspector of Police,  
District Crime Branch,  
Tirunelveli,  
Tirunelveli District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.N.TAMILMANI, Advocate ( SR-24735[F] dated 09/12/2020 )

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KUN(CO)  
KB(30.12.2020) 2P 6C