



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.13732 of 2020

1.R.Venkittu

2.R.Senthil

3.R.Chinnaponnu

... Petitioner

Vs.

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

2.The Sub Inspector of Police,
Appan Thiruppathi Police Station,
Madurai District.

3.A.Mohamed Yusuf

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents No.1 and 2 and their officials not to harass the petitioners and their family members unnecessarily against law under the guise of enquiry, on the basis of the petitioners' representations dated 05.09.2020, 09.11.2020 and 20.11.2020.

For Petitioner : Mr.D.Gurusamy
For R1 & R2 : Mr.V.Neelakandan
Additional Public Prosecutor.

ORDER

This petition has been filed to direct the respondents 1 & 2 not to harass the petitioners under the guise of the enquiry on the basis of the alleged complaint given by third respondent, based on the petitioners' representations dated 05.09.2020, 09.11.2020 and 20.11.2020.

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

3.The learned counsel for the petitioner would submit that the petitioners herein are the cultivating tenants of the land in survey Nos.18/1B and 22/3 situated at Kollankulam Village, Velliyankuram Village, Madurai East Taluk, Madurai District. He would further submit that the above said lands were purchased by the parents of the third respondent and the parents of the third respondent are no



more. He would also submit that without pursuing before the tenancy Court, the third respondent filed a complaint before the second respondent. The second respondent, without considering the fact that there civil proceedings are pending, threatening the petitioners to vacate the land. Hence, this petition.

WEB COPY

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.

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,
Madurai District, Madurai.
2. The Sub Inspector of Police,
Appan Thiruppathi Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.13732 of 2020
08.12.2020

MJ(CO)
KB(28.12.2020) 2P 4C