



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CrI.O.P.(MD)No.14029 of 2020

WEB COPY

M.Humayoon Kabeer

... Petitioner

vs.

1)The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

2)The Deputy Superintendent of Police,
Thakkalai Sub-Division,
Kanyakumari District.

3)The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

4)The Sub Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

5)Abdul Rahim

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 4th respondent not to harass the petitioner by involving in the civil dispute.

For Petitioner	:	Mr.R.Maheswaran
For R1 to R4	:	Mr.V.Neelakandan
		Additional Public Prosecutor
For R5	:	Mr.Kishore

ORDER

This petition has been filed to direct the 4th respondent not to harass the petitioner by involving in the civil dispute.

2.The learned counsel for the petitioner would state that the petitioner's wife owns a property in R.S.No.180/6, Mangalam Desam, Thiruvattar Taluk, Kanyakumari District and the 5th respondent who is the close relative of the petitioner, agreed to purchase the said property for a consideration of Rs.13.25,450/- and on 23.01.2020, the 5th respondent paid Rs.7,75,450/- to the petitioner's wife and requested 2 months time to pay the balance amount of Rs.5,50,000/-. The petitioner accepted the said request and since the 5th respondent is his close relative, the petitioner executed a registered sale deed dated 23.01.2020 in favour of the 5th respondent in respect of the above property. According to the petitioner, he and one Susila Devi stood as witnesses to the said sale document and the 5th



respondent pledged the original sale deed in the custody of the petitioner's wife for the balance amount due of Rs.5,50,000/-. While so, the petitioner came to understand that the 5th respondent was trying to sell the above property to some other persons with the aid of one Satchithanandan Naiar who is a document writer. According to the petitioner, he narrated all the above facts to one Kannan, Assistant of the said document writer. On coming to know about the same, the 5th respondent developed grudge over the petitioner and lodged a false complaint before the 3rd respondent/police. When the petitioner appeared for enquiry, the respondents 3 and 4/police insisted him to hand over the original sale deed to the 5th respondent and despite the petitioner narrated the real facts, the respondents 3 and 4/police threatened the petitioner stating that if he refused to hand over the original sale deed to the 5th respondent, false case will be foisted against him. Due to the above act of the respondents 3 and 4/police, the petitioner made a representation dated 27.11.2020 to the respondents 1 to 3 through post, but no action has been taken. Since the respondents 3 and 4 are continuously harassing the petitioner under the guise of enquiry, the petitioner is before this Court.

3.The learned Additional Public Prosecutor would state that on the complaint of the 5th respondent in CSR.No.953/2020 dated 26.11.2020, enquiry is pending against the petitioner.

4.Heard the learned counsel for the petitioner, learned Additional Public Prosecutor for the respondents 1 to 4 and Mr.Kishore, learned counsel for the 5th respondent.

5.Considering the facts and circumstances of the case, without advertting to the merits of the case, this Criminal Original Petition is disposed of with a direction to the respondents/police 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 (AE)

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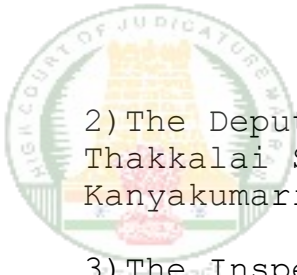
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Sub Assistant Registrar(CS)

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To

1)The Superintendent of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Kanyakumari District,
Kanyakumari.



2)The Deputy Superintendent of Police,
Thakkalai Sub-Division,
Kanyakumari District.

3)The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

4)The Sub Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

5)The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.O.P.(MD)No.14029 of 2020
DATED : 16.12.2020

(MJ) CO
AP(28/12/2020) 3P 6C