



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P(MD)No.14198 of 2020

Yasodhaiammal

.. Petitioner

vs.

1.State rep. by
The Commissioner of Police,
Madurai City,
Madurai District.

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

3.Veerachamy

.. Respondents

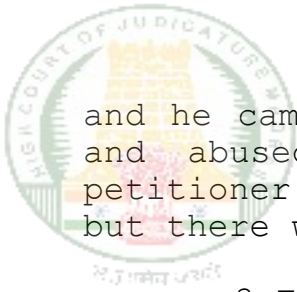
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the second respondent not to harass the petitioner under the guise of an enquiry.

For Petitioner : Mr.S.Poornachandran
For R1 & R2 : Mr.V.Neelakandan,
Additional Public Prosecutor.

ORDER

The Criminal Original Petition has been filed by the petitioner seeking a direction to the 2nd respondent not to harass the petitioner under the guise of enquiry.

2.The learned counsel for the petitioner would state that the petitioner is the lessee and the 3rd respondent is the lessor. Since the 3rd respondent demanded more money towards lease and the petitioner was not in a position to pay the same, the petitioner decided to terminate the lease contract on the expiry of the lease period. In such circumstances, the 3rd respondent preferred a false complaint against the petitioner on the file of the 2nd respondent/police and the 2nd respondent asked the petitioner to appear for an enquiry and during enquiry, the 2nd respondent forcibly obtained an undertaking from the petitioner that she should vacate the leased house within four months. The petitioner sent a legal notice to the 3rd respondent stating that after the expiry of the lease period as per the lease agreement, she is ready to vacate the premises, but according to the petitioner, the 3rd respondent is trying to forcibly evict her before the expiry of the lease period



and he came to the leased premises on 31.10.2020 about 02.00 a.m., and abused the petitioner in filthy language for which, the petitioner preferred a complaint before the 2nd respondent/police, but there was no action taken.

3.The learned counsel for the petitioner would further state that the 2nd respondent instead of taking action on the complaint of the petitioner, had frequently called the petitioner and harassed her under the guise of enquiry and she was made to wait in the respondent police station from sun-rise to sun-set. Narrating the same, the petitioner sent a representation to the 1st respondent on 28.10.2020, but there was no response. Hence, this petition.

4.The learned Additional Public Prosecutor on instructions would state that on the complaint given by the 3rd respondent against the petitioner, petition enquiry was conducted in CSR.No.490 of 2020 on 25.10.2020 and it was closed, whereas, on the complaint of the petitioner dated 04.11.2020, enquiry is pending. He would further state that since the dispute is civil in nature, the parties may approach the appropriate civil forum and the respondent/police will not interfere with the same in future.

5.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondents 1 and 2. Since no adverse order is going to be passed against the 3rd respondent, notice to him is not necessary.

6.Considering the submissions made by the learned counsel for the petitioner as well as the learned Additional Public Prosecutor and the nature of the complaint which arose due to the civil dispute between the petitioner and the 3rd respondent, recording the submission made by the learned Additional Public Prosecutor that the respondents/police will not interfere with the civil dispute between the petitioner and the 3rd respondent in future, the petitioner and the 3rd respondent are directed to approach the appropriate forum for their remedy.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

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

ORDER MADE IN
Crl.O.P(MD)No.14198 of 2020
DATED : 07.12.2020

VB (21.12.2020) 3P 4C