



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2020

CORAM:

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

Crl.O.P.(MD)No.14402 of 2020

Mrs.Agnes

... Petitioner

Vs.

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

2.The Inspector of Police,  
Viralimalai Police Station,  
Pudukkottai District.

3.Mrs.C.Jesindha

...Respondents

**PRAYER:** Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents 1 & 2 not to harass the petitioner under the guise of enquiry frequently.

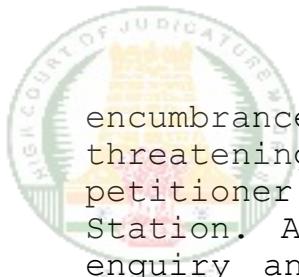
For Petitioner : Mr.G.Thalaimutharasu  
For R1 & R2 : Mr.V.Neelakandan  
Additional Public Prosecutor.

**ORDER**

This petition has been filed to direct the respondents 1 & 2, not to harass the petitioner under the guise of enquiry.

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

3.The learned counsel for the petitioner would submit that the petitioner is a retired teacher and she purchased a vacant land No.112 to an extent of 1500 sq.ft in Survey No.157/1B, from one Nallusamy after getting Encumbrance Certificate and sold the above property to the 3<sup>rd</sup> respondent herein by executing a sale deed Doc.No.2434/2014.The 3<sup>rd</sup> respondent also constructed a house in that land. Later on, the 3<sup>rd</sup> respondent approached the petitioner to get back her house property as there was encumbrance over the said property. Though the petitioner informed that there is no



encumbrance over the sold property, the 3<sup>rd</sup> respondent continuously threatening the petitioner and made false complaint against the petitioner before the Inspector of Police, Viralmalai Police Station. According to the petitioner, the petitioner attended the enquiry and submitted all the relevant documents and declaration that no encumbrance over the property and the respondent police advised the 3<sup>rd</sup> respondent not to create any problem with the petitioner. Thereafter, the 3<sup>rd</sup> respondent has made a complaint before the Anti Land Grabbing Wing, Pudukkottai, based on which, summon was sent to the petitioner on 20.02.2020. When the petitioner appeared for enquiry, the Anti Land Grabbing Authority compelled the petitioner to give confession statement in favour of the 3<sup>rd</sup> respondent. Hence, the petitioner made a detailed complaint to the higher officials of Anti Land Grabbing Authority. Even then, the 3<sup>rd</sup> respondent threatening the petitioner by insisting to pay a sum of Rs.20,13,000/-. Hence, the petitioner made a complaint before the 2<sup>nd</sup> respondent police and CSR No.311 of 2020 was also issued. The petitioner was summoned and she also attended the enquiry, eventhough no fruitful action has been taken by them. Hence, this petition.

4.The learned Additional Public Prosecutor (Crl.side), on instructions, would submit that based on the complaint given by the petitioner, CSR No.311 of 2020 has been assigned on 18.07.2020 and the enquiry is pending.

5.Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the respondent 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. Since the petitioner is a senior citizen woman, the respondent police is directed not to harass the petitioner.

Sd/-

Assistant Registrar (AD-II)

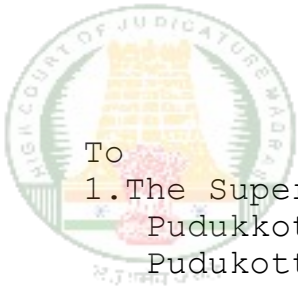
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/ /2021

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 Superintendent of Police,  
Pudukkottai District,  
Pudukkottai.

2.The Inspector of Police,  
Viralimalai Police Station,  
Pudukkottai District.

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

Crl.O.P. (MD) No.14402 of 2020

10.12.2020

CK (CO)

NR (04/01/2020) 3P : 4C