



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2020

CORAM:

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

Crl.O.P.(MD)No.14884 of 2020

M.Anusuya

Petitioner

Vs.

1.The Inspector of Police,
Manamadurai Town Police Station,
Manamadurai,
Sivagangai District.

1st Respondent /Complainant

2.G.Maruthayee
3.G.Kumar

2nd & 3rd Respondents /Defacto
Complainants

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 1st respondent not to harass the petitioner under the guise of enquiry.

For Petitioner: Mr.K.C.Ramalingam

For R1 : Mr.V.Neelakandan
Additional Public Prosecutor.(Crl.side)

ORDER

This petition has been filed to direct the 1st respondent not to harass the petitioner under the guise of enquiry.

2.The learned counsel for the petitioner would submit the petitioner is working as a nurse in Abiramam Government Hospital and her husband is working as CRPF at Mumbai. It is stated that the petitioner is having possession of property in S.No.288/1 and Patta No.976 in Manamadurai, Sivagangai District and constructed a house and residing for the past 5 years. Due to Covid-19, the transport facility was stopped, the petitioner was staying at her mother's residence from March to June 2020 and her husband was at Mumbai. In such circumstances, the respondents 2 & 3 entered into the petitioner's property, put up construction, damaged the portion of the compound wall, removed the water pipe and closed the drainage tank. When the same was questioned by the petitioner on 10.06.2020, the respondents made an attempt to attack the petitioner and started to threaten her. The respondents 2 & 3 are no way connected with the



petitioner's property. Therefore, the petitioner has given a complaint to the 1st respondent on 13.07.2020 and the petitioner was also called for enquiry, during the course of the enquiry, the 1st respondent police insisted the petitioner to settle the issue by way of paying huge amount. The grievance of the petitioner is that the petitioner and her husband were called for enquiry many times and been harrassed by the respondent police. Hence, the petitioner has come before this Court with this Criminal Original Petition.

3.The learned Additional Public Prosecutor(Crl.side), on instructions, would submit that the issue involved in this case is civil dispute between the petitioner and the 2nd and 3rd respondents. He would further submit that the complaint of the petitioner has been received and the enquiry is pending.

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

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.

Sd/-

Assistant Registrar (CO)

// 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 Inspector of Police,
Manamadurai Town Police Station,
Manamadurai,
Sivagangai District.



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

+1 CC to M/s.K.C.RAMALINGAM, Advocate (SR-25792[F] dated 16/12/2020

Crl.O.P. (MD)No.14884 of 2020

16.12.2020

PU (CO)

NR (28/12/2020) 3P : 4C