



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM

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

CrI.O.P. (MD)No.15001 of 2020

WEB COPY

K.Kannan

... Petitioner

Vs.

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

2.The Inspector of Police,
Velayauthampalayam Police Station,
Karur District.

3.Kandasamy

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first respondent to give suitable direction to the second respondent not to interfere with civil dispute pending between the petitioner and the third respondent in O.S.No.39 of 2019 on the file of the Principal District Munsif Court, Karur under the guise of enquiry.

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

ORDER

This criminal original petition has been filed to direct the first respondent to give suitable direction to the second respondent not to interfere with civil dispute pending between the petitioner and the third respondent in O.S.No.39 of 2019 on the file of the Principal District Munsif Court, Karur under the guise of enquiry.

2.The learned counsel appearing for the petitioner would submit that a civil suit is pending between the parties in O.S.No.39 of 2019 on the file of the Principal District Munsif Court, Karur, but based on the complaint given by the third respondent, the respondent/police is harassing the petitioner and therefore, he has filed the present petition.

3.The learned Additional Public Prosecutor appearing for the first and second respondents, on instructions, would submit that based on the complaint given by the third respondent, the second respondent initiated an enquiry in C.S.R.No.797 of 2020 and the same is pending.



4. Admittedly, a civil suit is pending between the parties. The respondent/police while enquiring the matter has to keep in mind whether the dispute between the petitioner and the third respondent is purely a civil dispute or civil dispute has been given a criminal color and accordingly, enquire into the same. However, while enquiring the petitioner, the respondent/police shall 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**, if it is in criminal nature

5. With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

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

+1cc to Mr.S.Gokulraj, Advocate, Sr.No.25934

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