



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2020

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P.(MD).No.15406 of 2020

P.Shanmugaiah

... Petitioner

-Vs-

1. The Commissioner of Police
Tirunelveli City
Tirunelveli

2. The Inspector of Police
Anti Land Grabbing Special Cell
Palam Police Station Upstairs
Tirunelveli City

3. Rajeswari

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the second respondent not to harass the petitioner based on the complaint of the petitioner dated 12.12.2020.

For Petitioner : Mr.T.Selvan
For R1 & R2 : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner based on the complaint of the petitioner dated 12.12.2020.

2.The learned counsel for the petitioner would submit that the property in T.S.No.28, Plot No.2, Western Half situated at Melappalayam, Tirunelveli City belongs to the petitioner's father. He executed a Will for the said property in favour of the petitioner's brother Ganesan. After demise of the petitioner's father, all the legal heirs partitioned the properties and enjoying their share. In this circumstance, the petitioner's brother executed a settlement deed in favour of the petitioner on 09.12.2010. Thereafter, the petitioner executed a settlement deed for the said property in favour of his wife on 29.04.2014. Be that as it may, the third respondent gave a complaint against the



petitioner stating that the petitioner created document for the above said property. Based on the complaint, the second respondent sent a summon to the petitioner to appear before him on 09.11.2020. As per summon, the petitioner has appeared before the second respondent police and explained his case. But, the second respondent is repeatedly calling the petitioner for enquiry and harassing him. Hence, the petitioner has sent a representation dated 12.12.2020 to the first respondent. Since no action was taken, the petitioner has filed the present petition.

3.The learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would submit that the petitioner and the third respondent are brother and sister. Based on the complaint of the third respondent, there is an enquiry pending against the petitioner.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2. since no adverse order is going to be passed against the third respondent, notice to her is not necessary.

5. Considering the facts and circumstances of the case, without advertng to the merits of the case, the second respondent/police is directed 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.

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

Sd/-

Assistant Registrar (A.S)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

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,
Tirunelveli City,
Tirunelveli.
2. The Inspector of Police,
Anti Land Grabbing Special Cell,
Palam Police Station Upstairs,
Tirunelveli City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.O.P. (MD) .No.15406 of 2020
22.12.2020

MK (CO)
CS (19.01.2021) 3P 4C