



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :31.08.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15026 of 2021

R.Selvakumar,
S/o. Rangan

... Petitioner

Versus

The State
Rep. by Inspector of Police,
J9-Thuraipakkam Police Station,
Chennai-600 097.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent to not to harass the petitioner for enquiry intended for the above mentioned alleged offence.

For Petitioner : Mr. P.Pandiyaraj

For Respondent : Mr. A. Damodaran
Government Advocate(Crl. Side)

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed seeking a direction directing the respondent not to harass the petitioner for enquiry intended for the alleged offences.

2. The learned counsel for petitioner would submit that there is a civil dispute with one D.Suganthi, due to which, a civil suit is pending between them in O.S.No.660 of 2012 before the Addl. District Munsif Court, Alandur. Suppressing the same, she had lodged a complaint. In fact, the petitioner has been granted injunction order in I.A.No.1388 of 2012 and subsequently, the suit has been dismissed for default on 12.07.2019.

3. The learned counsel for defacto complainant would submit that though it is a civil dispute, the petitioner is projecting it as criminal offence and there is no case pending against the defacto complainant. The civil suit has been dismissed as early as during the year 2019. Thereafter, as on date, there is no civil court proceedings in favour of her. The petitioner is a stranger and encroacher, who has



trespassed into the complainant's property. Since the police has not taken any action, the petitioner has presented the complaint before the Chief Minister Redressal Cell. Based on which, the respondent police had called the petitioner for enquiry, which is now termed as harassment. He would further submit that the petitioner has already filed a restoration petition and he is taking steps to restore the suit.

4. The learned Government Advocate (Crl. side) appearing for the respondent would submit that the defacto complainant D.Suganthi had lodged a complaint in Chief Minister's cell, which has been forwarded to the respondent police, based on which, the respondent police initiated enquiry. The grievance of the petitioner as well as complainant have to be substantiated with the materials and both the petitioner as well as defacto complainant have to appear before the respondent police and submit the documents in support of their contentions. Hence, the petitioner was called for enquiry.

5. I have considered the submissions made on either side and perused the materials available on records carefully.

6. Considering the undertaking given by the petitioner, the petitioner R.Selvakumar as well as defacto complainant D.Suganthi, wife of Devaraj shall appear before the respondent police on 03.09.2021 at 10.30 a.m. and the respondent police has to proceed according to law.

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

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

rpp/dsn
To

1. The Inspector of Police,
J9 Thuraipakkam Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.15026 of 2021

RSV(CO)
A.SK(08.09.2021)