



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18578 of 2021

R.Senthilkumar

...Petitioner

Vs.

1. The Commissioner of Police,
Salem.

2. The Inspector of Police,
CCB, Salem.

...Respondents.

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent not to harass the petitioner.

For Petitioner : Mr. R. Nalliyappan

For Respondents: Mr.R.Vinoth Raja,
Government Advocate (crl.side)

ORDER

This Criminal Original Petition is filed seeking a direction, to direct the 2nd respondent not to harass the petitioner under the guise of enquiry.

2. The learned counsel for the petitioner would submit that the petitioner's mother had settled a property in favour of the petitioner by way of Will and the petitioner is in possession and enjoyment of the said property. The defacto complainant, Shanthy, who is half sister of the petitioner, is claiming right over the property. She had filed a civil suit in O.S.No.222 of 2009 for declaration before the II Additional Sub Judge, Salem and obtained an exparte order and the petitioner was not aware about the same. Thereafter, the petitioner had filed an application to set aside the exparte decree and the same is pending. Suppressing all these facts, the said Shanthy had lodged a complaint against the petitioner before the respondent police and based on which, the respondent police are compelling the petitioner to settle the property in favour of the defacto complainant.



3. The learned Government Advocate (crl. side) appearing for the respondents would submit that on the complaint of the said Shanthi, the petitioner had appeared before the respondent police on 04.09.2021 and gave an undertaking that he would produce the document in support of his contention, after obtaining the same from the Court and thereafter, he had failed to appear. Following it, on 04.10.2021 and 08.10.2021, summons were served to the petitioner. But he refused to receive the summons and not cooperated with the investigation.

4. The learned counsel appearing for the petitioner, on instructions, would submit that the petitioner shall appear before the second respondent on 01.11.2021, without fail and give his explanation.

5. Recording the same, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrp
To

1. The Commissioner of Police,
Salem.
2. The Inspector of Police,
CCB, Salem.
3. The Public Prosecutor,
High Court ,
Madras.

+1cc to Mr.R.Nalliyappan, Advocate Sr.54078

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rld[col]
srg 28/10/2021