



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGOVAN
Cr1.OP(MD).No.5868 of 2021

D.Saravanan

: Petitioner

Vs.

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

2. The Inspector of Police,
Town North Police Station,
Dindigul,
Dindigul District.

3. Dinesh.

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the first and second respondents herein not to harass the petitioner on the guise of the enquiry in pursuance to the complaint lodged by the 3rd respondent.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor
For R1 & R2.

ORDER

This Criminal Original Petition is filed seeking a direction to the first and second respondents herein not to harass the petitioner on the guise of the enquiry in pursuance to the complaint lodged by the third respondent.

2. The case of the petitioner is that he is running a shop in the name and style of "Sri.Annamalai Poondukadai" on lease from the 3rd respondent, since from 2017 without problem. Moreover he paid a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) as advance and also remitted a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) towards the monthly rent. While this was so, the third respondent approached the petitioner to arrange a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) to meet out his urgent requirements. At one point of time, the third respondent threatened the petitioner either to pay Rs.25,00,000/- or to vacate the premises. Since the business gone in good manner, the petitioner had given a sum of Rs.25,00,000/-. In pursuance of the same, on 11.09.2018 a lease deed



came to be executed by the third respondent. Again the third respondent approached the petitioner to give another Rs.25,000/- and the same proposal was rejected by the petitioner. Abruptly, on 24.05.2019 the third respondent lodged a complaint before the Inspector of Police, Dindigul Town Police Station with vague allegation. He duly appeared before the Inspector of Police, Dindigul Town Police Station and gave explanation. But without hearing the petitioner words, the Inspector of Police, Dindigul Town Police Station threatened him to pay additional Rs.25,00,000/-, otherwise he would be booked in a false case. The petitioner unable to tolerate the attitude of the police, he filed a Suit in O.S.No.66 of 2020 along with an interlocutory application in I.A.No.103 of 2010, before the Principal District Munsif Court Dindigul, and the same is pending adjudication. Thereafter, the third respondent lodged another complaint on 06.03.2020 with the District Crime Branch, Dindigul with frivolous allegations. On the same day, at about 3.25 p.m, the petitioner was called for enquiry inspite of the request made by the petitioner regarding his health conditions. Thereafter, he appeared before the District Crime Branch, Dindigul and gave explanation that he filed a civil suit in O.S.No.66 of 2020 before the Principal District Munsif Court, Dindigul, but the second respondent is harassing the petitioner on the guise of the enquiry. Without any valid reasons, the District Crime Branch, Dindigul has unnecessarily harassed the petitioner on the guise of enquiry and hence, he was constrained to approach this Court by way of filing in Crl.OP(MD).No.4527 of 2020. Hence the said complaint was closed as civil in nature. Now the third respondent has lodged this present complaint before the second respondent. He has already filed a civil suit and contesting the same whereas the third respondent is making frequent complaint and causing great mental agony to him. The petitioner is prepared to cooperate for the enquiry provided that if the second respondent is issued proper summons under Criminal Procedure Code. The Hon'ble Apex Court in catena of Judgement have categorically held that the police do not have any business to harass under the guise of enquiry without any materials. In order to favour the said 3rd respondent on the guise of enquiry, now the second respondent is harassing the petitioner beyond their jurisdiction. Hence, he filed this present Criminal Original Petition.

3. The learned Additional Public Prosecutor would submit that the enquiry is in progress and the same will be completed as expeditiously as possible.

4. The learned counsel for the petitioner is ready to appear before the Enquiry Officer and Co-operate with the enquiry and at the time enquiry, the respondents may be directed not to harass the petitioner. If the petitioner appears before the Enquiry Officer and co-operates with the enquiry, the question of harassment will not arise at all.

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5. Hence, the petitioner is directed to appear before the Enquiry Officer and Co-operate for the Enquiry Officer.



6. With these direction, this Criminal Original Petition stands disposed of.

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Sd/-

Assistant Registrar (P&A)

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police,
Dindigul District,
Dindigul.
2. The Inspector of Police,
Town North Police Station,
Dindigul,
Dindigul District.

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RD(23.07.2021) 3P 3C