



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**
Cr1.O.P. (MD) No.12666 of 2021

WEB COPY

Marippandi

... Petitioner

Vs.

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

2.The Inspector of Police,
East Police Station,
Virudhunagar,
Virudhunagar District.

3.Saravanadevi

4.Sandhosapandi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 2nd respondent not to harass the petitioner without following due process of law.

For Petitioner : Mr.R.Murugappan

For R1 & R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor (Cr1.Side)

ORDER

This petition is filed seeking a direction to the 2nd respondent not to harass the petitioner, without following due process of law.

2.The learned counsel appearing for the petitioner would submit that because of the family dispute, there was a harassment by the private respondents herein. So, the petitioner moved a petition in Cr1.O.P.(MD) No.5918 of 2021 and the same was disposed of on 27.04.2021. Thereafter, to resolve the dispute, the petitioner along with others moved a petition in Cr1.O.P.(MD) No.6292 of 2021 seeking police protection. That was also ordered, directing the official



respondents therein to consider the representation of the petitioner on merits. Now again, summon has been issued to the petitioner by the 2nd respondent on the basis of the complaint given by the 3rd respondent herein. On that basis, he has been harassed.

3.The learned Additional Public Prosecutor (Crl.side) appearing for the respondents 1 and 2 would submit that even though the earlier complaint has been closed observing that it is purely a civil dispute, the 3rd respondent has moved a petition in C.R.M.P.No.3442 of 2021 before the learned Judicial Magistrate No.II, Virudhunagar under Section 156(3) of Cr.P.C. seeking a direction to register the case and investigate.

4.As per the order of the Court dated 09.08.2021, the complaint has been forwarded to the Inspector of Police, East Police Station, Virudhunagar to enquire both the parties and file a report within one month. Only in pursuance of the aforesaid order, according to the learned Additional Public Prosecutor (Crl.side), summon has been issued.

5.However, the learned counsel for the petitioner would submit that there is no such indication in the summon and the complaint has been given to the Sub Inspector of Police, East Police Station, Virudhunagar. It may be a wrong statement of the police.

6.In that view of the order passed by the competent Magistrate Court, it is the duty of the petitioner to appear before the Enquiry Officer and cooperate with him to complete the enquiry. So, in such event, the question of harassment does not arise and may not arise also.

7.With the aforesaid direction, this petition is disposed of.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
East Police Station,
Virudhunagar,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD)No.12666 of 2021
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MGJ(13.09.2021) 3P 4C