



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.14794 of 2021

WEB COPY

1.N.Loganathan

2.Murugapandi

... Petitioners

vs.

1.State represented by,
The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

... Respondents 1&2/
Complainants

3.Padma

4.Murugapandi

... Respondents 3&4

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to pass an order directing the second respondent not to harass the petitioners and their family members in the guise of enquiry on the basis of the false complaint given by the above-named 3rd and 4th respondents, based on the first petitioner's representation dated 26.09.2021.

For Petitioners : Mr.G.Kalidoss

For Respondents : Mr.M.Veeranthiran
Government Advocate for R1 & R2

O R D E R

The petitioners allege harassment at the hands of the second respondent based on the complaint received from the third respondent.

2. The learned Government Advocate submits that a complaint has been received from the third respondent but no FIR has been registered till date. It is admitted that CSR was issued. The



petitioners' counsel drew my attention to the representation dated 26.09.2021 in which it has been stated that CSR No.755 of 2021 was closed on 13.09.2021 itself. However, according to the petitioners, they are being summoned again and again.

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3. In these circumstances, in the interest of justice, the following directions are issued:-

(a) If the respondent police propose to enquire the petitioners, they will be summoned only in writing. There is no question of orally summoning the petitioners.

(b) After the petitioners appear before the jurisdictional police, enquiry will be conducted and concluded within a period of two weeks thereafter.

(c) If the jurisdictional police come to the conclusion that the issue is purely civil in nature, the complaint shall be closed.

(d) If the police come to the conclusion that cognizable offence is made out against the petitioners, an FIR can be registered but the petitioners will be given due notice of the same so that they will have breathing time to move the concerned Court for the relief of anticipatory bail.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

csm/mga

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,
Madurai District,
Madurai.

2. The Inspector of Police,
Samayanallur Police Station,
Madurai District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

+1 CC to M/s.A SIVAPRABHAKARAN, Advocate (SR-35728[F] dated
24/11/2021)

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RK(10/12/2021) 3P 5C