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CrI.O.P.No.27678 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.O.P.No.27678 of 2022

V.S.Radhakrishnan

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Karappakkam, Elcot Sez,
Sholinganallur,
Chennai 600 119.

2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Muthu Ranga Mudali Street,
Tambaram,
Chennai 600 045.

3.The Inspector of Police,
Mudichur to Sriperumbadur Road,
Manimangalam,
Chennai 601 301.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the third respondent not to harass the petitioner and his family under the pretext of enquiry.



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For Petitioner : Mr.D.Lourthu Paul Belson

For Respondents : Mr.S.Santhosh,
Govt. Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the third respondent not to harass the petitioner and his family members under the pretext of enquiry.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents.

3. The learned counsel for the petitioner submitted that he purchased a vacant land measuring 4325 Sq.ft in S.No.223/3 in Sri Lakshmi Nagar III Stage, Plot No.217, situated in 142, Salamangalam Village, Sriperumbadur Taluk, Kanchipuram District, by virtue of a sale deed in document No.9403 of 2014; from then onwards the petitioner had taken possession of the said property and in enjoyment of the same; while the petitioner had approached the revenue authorities for sub-division and mutation of revenue records, one Babulal Patel and Mohanlal Patel created troubles and they claimed



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right over the said property without any basis; the patta proceedings were already pending before the District Revenue Officer; despite the same, the said persons cause threat to the petitioner; in the meanwhile, the said persons have given a complaint to respondent police; in the guise of enquiry, the third respondent is harassing the petitioner by taking sides with the opponents.

4. The learned Government Advocate (Crl.Side) submitted that the complaint given by the opposite parties of the petitioner was assigned with CSR Number in CSR No.828 of 2022 and enquiry has been initiated; the petitioner has also given a counter complaint in CSR No.836 of 2022 and the third respondent is taking up both the complaints for enquiry.

5. It is to be noted that if the matter predominantly appears to be civil in nature, it will be appreciated if the third respondent police complies the guidelines laid down by the Hon'ble Supreme Court in the case of ***Lalita Kumar Vs State of Uttar Pradesh & another reported in 2014 (2) SCC 1***, while conducting enquiry.



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6. In view of the above stated reasons, the respondent police is directed to complete the enquiry in both CSR Numbers in CSR Nos.828 and 836 of 2022 within a period of two weeks from the date of receipt of a copy of this order and do the needful in accordance with law.

7. In the result, this Criminal Original Petition is disposed.

Index: Yes/No
Internet: Yes/No
gsk

11.11.2022



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- 3.The Inspector of Police,
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Chennai 601 301.
- 4.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

gsk

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