



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V. SIVAGNANAM**

Crl.O.P.(MD) No.10558 of 2022

1.K.Ponram

2.P.Ahilandam

3.Thangavel

...Petitioners

Vs.

1.The Superintendent of Police,  
Theni District.

2.The Inspector of Police,  
Jeyamangalam Police Station,  
Periyakulam,  
Theni District - 625 603.

3.Nagarajan

...Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the first and second respondents not to harass the petitioner, on the guise of investigation/enquiry.

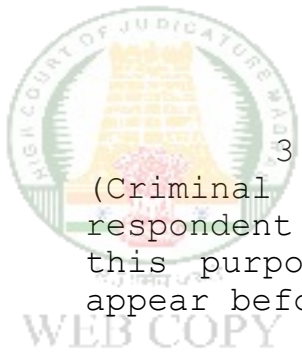
For Petitioners : Mr.B.Vasanthan

For R-1 and R-2 : Mr.A.Albert James,  
Government Advocate (Criminal Side)

**ORDER**

This Criminal Original Petition has been filed to direct the respondent Police not to harass the petitioners, on the guise of investigation/enquiry.

2. The learned counsel for the petitioners submitted that the third respondent herein, namely, Nagarajan entered into an sale agreement with the petitioners. In pursuance of the sale agreement, he filed a suit in O.S.No.142 of 2014 before the Sub Court, Periyakulam which was decreed on 05.02.2021. In that decree, the Civil Court directed to repay the amount of Rs.1,00,100/- to the third respondent. For collecting that amount, he filed E.P.No.22 of 2021 which is pending before the Civil Court. Meanwhile, the third respondent gave a complaint to the Police for taking action and for collecting the aforesaid amount. In pursuance of that complaint, the respondent Police frequently asked the petitioners to appear before the Police Station and hence, the present Writ Petition has been filed.



3. Mr.A.Albert James, learned Government Advocate (Criminal Side) submitted that the complaint is received by the respondent Police and petition is numbered as G2/15189/2022. For this purpose, the respondent Police requested the petitioners to appear before the Police Station for enquiry.

4. The learned counsel for the petitioners submitted that the first petitioner is already bed ridden. Due to his illness, he is unable to go to the Police Station.

5. Admittedly, there is a civil dispute between the petitioners and the third respondent. In connection, a sale agreement has been executed by the parties and further, a suit has been filed by the third respondent against the petitioners in O.S.No.142 of 2014 before the Sub Court, Periyakulam. After trial, the suit was decreed in favour of the third respondent and also decreed for payment of Rs.1,00,100/- with 12% interest payable by the petitioners to the third respondent. In pursuance of the decree, a E.P. has been filed by the third respondent against the first petitioner which is pending. Apart from this, the third respondent filed a complaint against the petitioners before the respondent Police. On that petition, the Police requested the petitioners to appear before the Police Station for the enquiry. Further, the learned counsel for the petitioners submitted that the first petitioner is bed ridden and he is unable to move.

6. Under these circumstances, this Court directs the respondent Police not to harass the petitioners to appear before the Police Station. If any enquiry is required, the Sub-Inspector of Police may go to the first petitioner's house and get the statement from the first petitioner in this regard. At any costs, the petitioners should not be harassed by the Police.

7. With the above direction, this Criminal Original Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

Nsr

To

1.The Superintendent of Police,  
Theni District.



2.The Inspector of Police,  
Jeyamangalam Police Station,  
Periyakulam,  
Theni District - 625 603.

3.The Sub Inspector of Police,  
Jeyamangalam Police Station,  
Periyakulam,  
Theni District - 625 603.

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

+1 CC to M/s.B. VASANTH, Advocate ( SR-25850[F] dated 15/06/2022 )  
Crl.O.P. (MD) No.10558 of 2022  
15.06.2022

MGJ(23.06.2022) 3P 6C