



Crl.O.P.No.30454 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.30454 of 2022

L.Basker

... Petitioner

Vs.

State rep. by

1.Deputy Commissioner of Police,
St.Thomas Mount,
Chennai.

2.Assistant Commissioner of Police,
Madipakkam, Near Keelkattalai Bus Depot,
Chennai.

3.Inspector of Police,
Adambakkam Police Station,
Chennai.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the 2nd and 3rd respondent police not to harass the petitioner in Cr.No.Not Known of 2022 pending on the file of the 3rd respondent.

For Petitioner : Mr.M.J.Sundar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner claiming to be the resident of No.52, Kakkan Nagar, 3rd Street, Adambakkam, Chennai-600 088, filed this petition to direct the respondent police not to harass the petitioner.

2.The contention of the petitioner is that the petitioner is running his business in the name of J.P.PLASTICS in the above said address for the past thirty years and with his own funds, he has put up construction which is a property of Tamil Nadu Urban Habitat Development Board. The petitioner earlier filed writ petitions in W.P.No.32880 of 2018 and W.P.No.13161 of 2022 seeking for allocation of the said land in his name. One Murugan, S/o. Muthu using his political clout had taken Rs.1 lakh from the petitioner on the promise that he would get the sale deed executed in his favour and later cheated the petitioner. Hence, the petitioner lodged a complaint, based on which the said Murugan was arrested and he was in custody for 20 days and now he is facing prosecution in C.C.No.686 of 2020. Using the forged document, the said Murugan filed R.C.O.P.No.4 of



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2018 before the District Munsif Court, Alandur and obtained an order in his favour. The said Murugan further filed E.P.No.39 of 2020 and on 21.07.2022 attempted to evict the petitioner. Further, the display board showing W.P.No.13161 of 2022 is pending which has been affixed in the compound wall has been forcibly removed, the petitioner's plastic godown was forcibly opened on 26.11.2022 and again, eviction was attempted. The petitioner sent a complaint to the first respondent and also informed the respondents 2 and 3, but no action has been taken and on the other hand, the petitioner was called for enquiry on a false complaint of one Rajkumar and harassed. Hence, the present petition is filed.

3.Learned counsel for the petitioner submits that on coming to know about the Court order in R.C.O.P.No.4 of 2018, the petitioner filed R.C.A.No.57 of 2021 which is pending before the Sub Court, Alandur. He further submits that when there is a dispute between the landlord and the tenant which is pending before the Court, the respondent police ought not to have entertained any petition and taken steps to evict the petitioner forcibly.



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4.Learned Additional Public Prosecutor submits that the defacto complainant Rajkumar is the son of one Murugan and the petitioner is a tenant under the said Murugan. He would submit that R.C.O.P.No.4 of 2018 has been filed by the said Murugan which was allowed in favour of the landlord Murugan, thereafter execution petition in E.P.No.39 of 2020 was filed and allowed on 24.11.2021. He further submits that when the eviction order was to be executed through Amina, the petitioner caused some obstruction against the Court order, hence complaint was lodged by the said Rajkumar and a case in Crime No.550 of 2022 was registered on 26.11.2022 for the offence under Sections 448, 294(b), 506(i) and 427 IPC. Suppressing the same, the petitioner filed this petition on 06.12.2022 stating that he is being harassed. He further submits that the petitioner was only called for enquiry and if the petitioner has got any Court order or any materials in his favour, he can very well produce before the third respondent.

5.Considering the above submissions, it is seen that R.C.A.No.57 of 2021 filed by the petitioner is pending and on the other hand, it is also seen



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that the petitioner is an accused in Crime No.550 of 2022. The petitioner being called for enquiry in this regard cannot be termed to be harassment.

Further, if at all the petitioner has got any materials in his favour, the same to be produced before the concerned Police. Accordingly, the Criminal Original Petition is dismissed.

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Index : Yes/No
Speaking Order/Non-Speaking Order
cse

To

1. Deputy Commissioner of Police,
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Chennai.
2. Assistant Commissioner of Police,
Madipakkam, Near Keelkattalai Bus Depot,
Chennai.
3. Inspector of Police,
Adambakkam Police Station,
Chennai.
4. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

cse

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