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Crl.OP No.27115 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-12-2023

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Crl. OP No.27115 of 2023

J.Rajasekaran

... Petitioner

Vs.

1.The Commissioner of Police,
O/o.Commissioner of Police,
Avadi,
Chennai.

2.The Inspector of Police,
T-6, Avadi Police Station,
Chennai-600 054.

3.Mrs.Elizabeth Anthakumari

4.Mr.Issac

5.Mrs.Malathy

6.Mr.M.Harish



7.Mr.Maria Marsaleen

8.M.Purushothaman

... Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent not to harass the petitioner and his family members under the guise of enquiry.

For Petitioner : Mr.S.Krishnamoorthy

For Respondents-1 and 2: Mr.Leonard Arul Joseph Selvam,
Government Advocate
(Criminal Side).

ORDER

The present Criminal Original Petition has been filed seeking direction to the first respondent-Police to not to harass the petitioner and his family members.

2. According to the petitioner, there is a civil suit pending in respect of the property which is now claimed by one Purushothaman as the



purchaser from Mariya Salim. When the petitioner tried to enter upon the land, he was threatened by Purushothaman and his henchmen.

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3. Contrarily, a complaint had been entertained by the first respondent-Police and the petitioner is frequently called under the guise of investigation and harassed.

4. The learned Government Advocate (Criminal Side) appearing on behalf of the first and second respondents submits that the ownership of the property under dispute is claimed by one Purushothaman through Maria Marsaleen. Whereas the petitioner had already settled the property in favour of his wife Alice Tabitha, who in turn had alienated the property.

5. After alienation, Alice Tabitha has filed suit against 21 defendants of which one Issac, Mariya Salim and Purushothaman are the defendants. The suit is filed to declare Alice Tabitha as the absolute owner and the Settlement Deed in favour of Issac, the 12th defendant is null and void. The said suit is still pending on the file of the District Munsif Court, Poonamallee in OS No.176 of 2015.



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6. The learned counsel appearing on behalf of the petitioner states that there is a civil dispute between the parties and therefore, the respondent-Police has no role to investigate the matter.

7. Contrarily, the learned Government Advocate (Criminal Side) appearing on behalf of the first and second respondents submits that the complaint given by Purushothaman is under investigation and the petitioner has been called for an enquiry and to produce the documents to prove his title over the property instead of participating in the enquiry, the petitioner sent a letter that he will attend the enquiry on the future date but he did not turn up for the enquiry.

8. In the light of the above circumstances, it is sufficient to direct the petitioner to appear before the Investigation Officer (IO) and participate in the enquiry and in the course of enquiry, the respondent-Police shall act in accordance with law and proceed without any violation of the guidelines given by the Hon'ble Supreme Court.



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9. With the abovesaid directions, the present Criminal Original

Petition stands disposed of.

07-12-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

Svn

To

1.The Commissioner of Police,
O/o.Commissioner of Police,
Avadi,
Chennai.

2.The Inspector of Police,
T-6, Avadi Police Station,
Chennai-600 054.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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DR.G.JAYACHANDRAN, J.

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