



WEB COPY

Crl.O.P.(MD)No.15654 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.09.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.15654 of 2023

K.Nagarajan

... Petitioner

Vs.

1.The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.

2.Mariappan,
The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar.

3.Ramesh

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents 1 and 2 Police not to harass the petitioner under the guise of enquiry without following due process of law.

For Petitioner : Mr.P.Malini

For R1 and R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)



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ORDER

This Criminal Original Petition is filed seeking for a direction to the respondents 1 and 2 Police not to harass the petitioner under the guise of enquiry without following due process of law.

2. It is submitted by the learned counsel appearing for the petitioner that the petitioner is a tenant of a shop belonging to the third respondent. When the third respondent has made an attempt to evict the petitioner without following due process of law, the petitioner is stated to have filed a suit in O.S.No.128 of 2023 before the District Munsif Court, Virudhunagar, seeking for a direction to the third respondent not to evict the petitioner and the same is pending. It is submitted that the third respondent has demolished a part of the shed in front of the shop and when the petitioner has made an attempt to recreate the same, the third respondent has given a false complaint before the respondents 1 and 2 Police, basing on which, the respondents 1 and 2 Police have been harassing the petitioner under the guise of enquiry and therefore he sought for suitable directions.



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3. The learned Government Advocate (criminal side) appearing for the respondents Police submits that the third respondent has filed a complaint before the Police and the same was registered in C.S.R.No.159 of 2023 and after conducting enquiry, it was closed on 09.07.2023 advising both the parties to approach the civil Court. Thereafter, the petitioner has filed a complaint and the same was registered as C.S.R.No.163 of 2023 and after enquiry, it was closed on 11.09.2023 advising both the parties to approach the civil Court and the third respondent has again given one more complaint and the said complaint was referred to the Tahsildar in I.L.R.No.27 of 2023. It is submitted that no enquiry is pending against the petitioner filed by the third respondent.

4. Since it is alleged by the petitioner that the respondent No.2 has got some personal interest in the issue and has been trying to harass the petitioner on the complaint given by the third respondent, the respondents Police are directed to strictly follow the procedure, in case if any complaint is filed by the respondent No.3 against the petitioner.



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5. Accordingly, this Criminal Original Petition is disposed of.

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Index : Yes/No
Internet : Yes/No
ssb

08.09.2023

To

- 1.The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
- 2.The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

ssb

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