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CrI.OP.No21008 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.OP.No.21008 of 2024

E.Gnanasekar

... Petitioner

Vs.

1. The Commissioner of Police,
Tambaram Commissionerate,
Tambaram, Chennai-119.

2. The Deputy Commissioner of Police,
Tambaram Deputy Commissioner office,
Chennai-45.

3. The Inspector of Police, (L&O)
T-6, Peerkangaranai Police Station,
Chennai-600 063.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS Act to direct the respondent police not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.J.Arokhiaraj

For Respondents : Mr.S.Udayakumar
Government Advocate (CrI.Side)

ORDER



Crl.OP.No21008 of 2024

WEB COPY

There is a complaint alleged to have given by one Pawan Kumar and taken as C.S.R.No.543 of 2024 for investigation. The petitioner been called for investigation, but he has not turned up. However, he has come before this Court that it is purely a civil dispute and the petitioner been harassed by the police on the instance of Pawan Kumar.

2. The learned Government Advocate (Crl.Side) submits that citing dispute between the parties and on the title documents, complaint has been given by Praveen Kumar and the same been taken up for enquiry. If the petitioner participate in the enquiry and produce necessary documents to the satisfaction of the Investigating Officer that it is a civil dispute and the matter pending before this High Court, appropriate decision will be taken on the complaint given by Pawan Kumar.

3. The learned counsel appearing for the petitioner states that the dispute between Prakash Kumar who is the son of Praveen Kumar has already been decided in favour of the petitioner by the trial Court as well as the 1st Appellate Court.

4. Being aggrieved against the concurrent finding, the said Prakash



CrI.OP.No21008 of 2024

Kumar has preferred second appeal, interim injunction obtained only in respect of 2.20 acres at different survey numbers. However, the petitioner carry out the repair work of the shed which does not cover under the injunction order. Frivolous complaints been lodged before the police.

5. Considering the submissions, it is appropriate for the petitioner herein to appear before the Investigating Officer and place all the documents and explain that the work carried out by him is not in respect of suit property and even otherwise, the dispute between him and the complainant Praveen Kumar is only civil in nature. Without participating in the enquiry, the petitioner cannot approach the High Court to give a finding regarding his title and possession of the property.

6. With the above observation, this Criminal Original Petition is disposed of.

30.08.2024

Vv

To

1. The Commissioner of Police,
Tambaram Commissionerate,
Tambaram, Chennai-119.



CrI.OP.No21008 of 2024

2. The Deputy Commissioner of Police,
Tambaram Deputy Commissioner office,
Chennai-45.
3. The Inspector of Police, (L&O)
T-6, Peerkangaranai Police Station,
Chennai-600 063.
4. The Public Prosecutor,
High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN,J.



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CrI.OP.No21008 of 2024

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CrI.OP.No.21008 of 2024

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