



Crl.O.P.(MD).No.1215 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.01.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD).No.1215 of 2024

1.R.Gnanammal @ Nanammal

2.R.Saravanan

... Petitioners

Vs.

1.The Superintendent of Police,
Theni,
Theni District.

2.The Deputy Superintendent of Police,
Aandipatti,
Theni District.

3.The Inspector of Police,
Aandipatti Police Station,
Theni District.

4.S.Erulappan

5.N.Rajagopal

6.P.Murugesan

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the second respondent, his subordinates and men, not to harass the Petitioner under the guise of enquiry based on the complaint lodged by the fourth Respondent.



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For Petitioners : Mr.G.Thalaimutharasu

For R-1 to R-3 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking direction against the Respondents 1 to 3 not to harass the Petitioners under the guise of enquiry based on the complaint lodged by the fourth Respondent.

2. The learned Counsel for the Petitioners submitted that the first Petitioner had sold the property to the fourth Respondent. Subsequently, the fourth Respondent wanted the Petitioners to execute the sale deed for 27 cents, which is found objectionable by the learned counsel for the Petitioner. By misusing the Police powers, the fourth Respondent with the help of the Respondent Police threatened the Petitioners. The first Petitioner is a senior citizen and she cannot be expected to attend enquiry at odd hours. Therefore, she seeks direction against the Respondents 1 to 3 for unnecessarily summoning her at odd hours.

3. The learned Additional Public Prosecutor appearing for the Respondents 1 to 3 on instructions submitted that the Petitioners had sold the property to an extent of 1 acre 45 cents to the fourth respondent. Subsequently,



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it was found he has sold the properties which he does not have claim or right.

Therefore for 27 cents of property, the fourth Respondent had sought complaint with the Respondents 1 to 3. Based on which, the third Respondent only had summoned the Petitioners. Instead of attending the enquiry, the Petitioners had approached this Court seeking direction.

4. The learned Additional Public Prosecutor submitted that after conducting enquiry, the Respondents 1 to 3 undertake to follow the circular of Director General of Police, Tamil Nadu, Chennai, in Rc.007301/Genl.I(1)/2019, dated 09.04.2019 and Additional Director General of Police in C.No.18/ADGP/L&O/Camp/2024, regarding civil dispute.

5. Recording the submission of the learned Additional Public Prosecutor, that the Petitioner had been issued with the summons under Cr.P.C 41(A), the Petitioners are directed to appear on summons as per the reported ruling in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***(2014) 2 SSC 1***

6. The Respondents 1 to 3 at the time of issuance of summons shall specify the time and date. The Petitioners shall not be summoned at odd hours, particularly considering the age and health condition of the first Petitioner.



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7. With the above direction, this Criminal Original Petition is disposed of.

30.01.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

- 1.The Superintendent of Police,
Theni,
Theni District.
- 2.The Deputy Superintendent of Police,
Aandipatti,
Theni District.
- 3.The Inspector of Police,
Aandipatti Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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