

Crl.O.P.(MD) No.3981 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3981 of 2024

C.S.C.Sivakumar,

... Petitioner

Vs

1. The Additional Director General of Police,
Law and Order,
DGP Office Complex,
Mylapore, Chennai.

2. The Superintendent of Police,
Thoothukudi District, Thoothukudi.

3. The Deputy Superintendent Of Police,
District Crime Branch,
Thoothukudi District, Thoothukudi.

4. The Inspector of Police,
District Crime Branch-Unit II,
Thoothukudi District, Thoothukudi.

5. Kodivel @ Palvel,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to direct the fourth Respondent his subordinates and men, not to
harass the petitioner under the guise of enquiry based on the complaint



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lodged by the fifth Respondent.

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For Petitioner : Mr.A.S.Vaigunth
For R1 & R2 : Mr.M.Veeranthiran
Government Advocate (Crl. side)

ORDER

The learned Counsel appearing for the Petitioner submitted that the Petitioner had filed this Petition seeking a direction against the Respondents.

2.It is the contention of the learned Counsel appearing for the Petitioner that the fifth Respondent had converted the civil dispute into a criminal case. Based on which, the fifth Respondent lodged a complaint with the fourth Respondent and the fourth Respondent had been summoning the Petitioner on his mobile, directing to appear before the Respondents 1 to 4. Therefore, the Petitioner seeks a direction against the Respondent Police not to harass him. Also, he rely on the circular of the Additional Director General of Police, Chennai, issued in C.No.18/ADGP/L & O/Camp/2024 dated 09.01.2024, warning the field officers across the State not to involve

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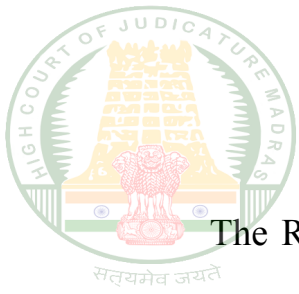
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in civil dispute regarding property and money dispute.

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3.The learned Government Advocate (CrI.Side) on instructions of the Respondent Police submit that the Petitioner is alleged to have claimed a property from the fifth Respondent. Based on which, the fifth Respondent had given a complaint stating that the Petitioner claims that he is the power of attorney for Ganapathy. Then enquiry was conducted by the Respondents 1 and 2 and they found out that the power of Attorney executed in favour of the Petitioner, the said Ganapathy's property deeds are forged. The documents claimed to be bonafide documents by the Ganapathy as well as the Petitioner are found to be forged deeds from the report of the Tahsildar, Eral Taluk. Therefore, to conduct faster investigation, the Respondent Police had summoned the Petitioner. He further submit that in spite of the service of summons, the Petitioner had not appeared before the fourth Respondent. Instead he filed this petition.

4.Considering the submissions made by the learned Counsel appearing for the Petitioner and the learned Government Advocate (CrI.Side), the Petitioner is directed to co-operate with the pending enquiry.



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The Respondents 1 to 4 are directed to issue summons by specifying date and time for the appearance of the Petitioner before the Respondents 1 to 4 in the light of the ruling of the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***(2014) 2 SSC 1***. If cognizable offence is made out, the Respondents 1 to 4 are within their rights to register a case and investigate. Under those circumstances, the Respondents 1 to 4 shall follow the guidelines of the Hon'ble Supreme Court regarding the arrest and remand by issuing summons under Section 41 A Cr.P.C. to the accused and cases attract punishment up to seven years, the accused could not be arrested. In the light of the above, the Respondents 1 to 4 are directed not to summon the accused at odd hours. They are strictly warned if they violate the circular of the Director General of Police, Tamil Nadu/Head of State Police Force, Chennai-4, in Rc.No. 007301/General I(I)/2019, dated 09.04.2019, warning the field officers involving or encouraging the complaint regarding property dispute and money dispute, it may attract disciplinary proceedings. The Respondents 1 to 4 shall act accordingly.



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5. With the above directions, this criminal original petition is disposed

of.

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NCC : Yes/No

Internet: Yes/No

Index: Yes/No

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To

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2. The Superintendent of Police,
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3. The Deputy Superintendent Of Police,
District Crime Branch,
Thoothukudi District, Thoothukudi.

4. The Inspector of Police,
District Crime Branch-Unit II,
Thoothukudi District, Thoothukudi.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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