



Crl.O.P.(MD) No.23502 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P. (MD) No.23502 of 2023

1.Thilagavathy

2.Manikandan

3.Balamurugan

... Petitioners

vs.

1.The Superintendent of Police,

Madurai District,

Madurai.

2.The Inspector of Police,

District Crime Branch,

Madurai.

3.Jeyabarathi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second Respondent and his personnel, not to harass or ill-treat the Petitioner and his family on the guise of enquiry in a civil dispute.

For Petitioner : Mr.K.Shanmuga Raja

For R1 & R2 : Mr.M.Veeranthiran
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to direct the second respondent and his personnel, not to harass or ill-treat the Petitioner and his family on the guise of enquiry in a civil dispute.

2. The learned counsel for the Petitioners submits that the 3rd Respondent had given a false complaint before the Police. Earlier, the 3rd Respondent had given a complaint before the Oomachikulam Police Station, Madurai, against the Petitioners and the Petitioners had obtained a direction to this Court in Crl.O.P.(MD)No.22264 of 2022, on 16.12.2022. Subsequently, the 3rd Respondent had changed the Forum and now proceeded against the Petitioners with the District Crime Branch, Madurai. Therefore, the Petitioners had approached this Court seeking direction not to harass.

3. It is the case of the Petitioners that the Petitioners had purchased the property out of their own funds. The Complaint has been given as though the 3rd Respondent also purchased the property in the name



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of the 1st Petitioner's brother, viz., Ramesh Kanna. It is the submission of the learned counsel for the Petitioners that the 3rd Respondent is the 2nd wife to one Ramesh Kanna and she has only to harass the Petitioners, she has been changing the Forum. The present Complaint contains the very same contents of the previous Complaint. Therefore, the Petitioners seeks direction.

4. The learned Government Advocate (Crl.side) submits that it is the case of the Complainant that the property was purchased by the husband of the Complainant/third Respondent, in the name of his Sister. After the death of the 3rd respondent's husband, the Petitioners are alleged to have attempted to attack. Therefore, she was forced to prefer the complaint. It is the submission of the learned Government Advocate (Crl.side) that summons been issued to the Petitioners, let them appear before the enquiry.

5. Considering the submission of the learned Government Advocate (Crl.side), the Respondent Police are directed not to summon the Petitioners at odd hours, only during the day time. The Respondent Police are directed to act as per the guidelines issued by the Hon'ble Supreme



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Court in the case of *Arnesh Kumar Vs. State of Bihar and another [2014*

(8) SCC 273]. The Petitioners are directed to appear on summons issued to them by the Respondent Police and also co-operate to the pending enquiry.

6. With the above directions, this Petition is disposed of.

02.01.2024

Internet: Yes/No

Index: Yes/No

LS

To

1. The Superintendent of Police,

Madurai District,

Madurai.

2. The Inspector of Police,

District Crime Branch,

Madurai.

3. The Additional Public Prosecutor,

Madurai Bench of Madras High Court,

Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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