



Crl.O.P.(MD)No.22451 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22451 of 2024

1.Gerald Selvaraj
2.Ferry Deepak
3.Grisilda Gerry

: Petitioners

Vs.

State of Tamil Nadu rep., by
1.The Commissioner of Police,
Tirunelveli City.

2.The Assistant Commissioner of Police,
City Crime Branch,
Tirunelveli City.

3.The Inspector of Police,
City Crime Branch,
Tirunelveli City.

4.A.Rajasekar
5.M.Lakshmanan
6.Valli Muthaiah

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the second and third respondents not to harass the petitioners on
the complaint given by the respondent Nos.4 to 6.



WEB COPY



Crl.O.P.(MD)No.22451 of 2024

For Petitioners : Mr.R.Anand
For R1 to R3 : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

The petitioners are being called by the third respondent police at the instance of second respondent in a civil dispute and thereby, causing harassment failing to consider that the first and third petitioners, who are in 70's, senior citizen with health ailment. Earlier, there was an enquiry, the petitioners had appeared and enquiry was closed. Now, at the instance of second respondent, the third respondent projecting complaint from the fourth respondent had called the petitioners for enquiry for the same dispute. There is some civil dispute with regard to enjoyment of the common area, which is now taken by the police and they are harassing the petitioners.

2. The learned Additional Public Prosecutor submitted that on the complaint of the fourth respondent to the Commissioner of Police, which was forwarded to the second respondent, who in turn forwarded the same to the third respondent and enquiry was conducted. Earlier complaint



against the petitioners was from one Srivalli and Annadurai and not from the fourth respondent. He further submitted that on the complaint, summons were sent to the petitioners on 09.12.2024 for their appearance and give explanation, but on 13.12.2024 filed this petition terming the summon as harassment. He further submitted that if the petitioners appear before the third respondent, hand over the documents in support of their contention and give statement, the same would be recorded and appropriate steps would be taken. He further submitted that police will not involve themselves in a civil dispute and they are also aware the circular issued by the Additional Director General of Police, wherein it has been specifically directed that the police not to get involved in the civil dispute between the parties and advised them to approach the civil Court.

3. Considering above, the second petitioner on behalf of all petitioners to appear before the respondent police on 09.01.2025 along with documents in support of his contention. The third respondent police to receive the same, enquire and also ensure the presence of the fourth respondent during enquiry and conclude the enquiry within a period of two months therefrom.



Crl.O.P.(MD)No.22451 of 2024

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

19.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No

Rmk

NOTE : Issue order copy on 06.01.2025

To

- 1.The Commissioner of Police,
Tirunelveli City.
- 2.The Assistant Commissioner of Police,
City Crime Branch,
Tirunelveli City.
- 3.The Inspector of Police,
City Crime Branch,
Tirunelveli City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.22451 of 2024

M.NIRMAL KUMAR,J.

Rmk

Crl.O.P.(MD)No.22451 of 2024

19.12.2024