



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2011

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE V. PERIYA KARUPPIAH

Cr1.O.P.(MD).No.15568 of 2011

1. SP.N.Sathiyamoorthy
2. SP.N.Krishnamoorthy

... Petitioners

Vs.

The State represented by

1. The Commissioner of Police
Trichy City, Trichy.
2. The Assistant Commissioner of Police
K.K.Nagar, Trichy.
3. Basiga Begam @ Rani Begam

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents not to harass the petitioners herein under the guise of enquiry in a civil dispute raised by the third respondent herein against the petitioners contrary to the Police Standing Orders.

For Petitioners : Mr.R.Sundar Srinivasan

For RR 1 & 2 : Mr.P.Kannithevan
Govt. Advocate (Cr1. Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondents not to harass the petitioners herein under the guise of enquiry in a civil dispute raised by the third respondent herein against the petitioners contrary to the Police Standing Orders.

2. Heard Mr.R.Sundar Srinivasan, learned counsel appearing for the petitioners and also Mr.P.Kannithevan, learned Government Advocate (Criminal side) appearing for the respondents 1 & 2.

3. The main grievance of the petitioners is that without any valid reason, the respondent police are harassing the petitioners.



4. According to the submission of the learned Government Advocate (Crl. Side), there is no complaint received against the petitioners nor any enquiry needed against the petitioners and therefore, there is no harassment.

5. Considering the submission made by the learned Government Advocate (Crl. Side), even if any complaint has been filed, the petitioners shall not be harassed and enquiry shall be conducted by following procedure contemplated under **D.K.Basu Vs. State of West Bengal** reported in **AIR (1997) SC 610** and the respondent shall not interfere in civil dispute relating to the property of any one of the rival parties and relating to properties concerned, the civil Court is the competent forum and if any cognizable offence is found made out, then, the interference of the police is warranted. The parties should approach only the Civil Court regarding civil dispute.

6. The Criminal Original Petition is disposed of, recording the submission made by the learned Government Advocate (Crl. Side).

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police
Trichy City, Trichy.
2. The Assistant Commissioner of Police
K.K.Nagar, Trichy.
3. The Additional Public Prosecutor
Madurai Bench of the Madras High Court,
Madurai.

+1 CC to Mr.R.Sundar, Advocate (SR.No.42041)

Crl.O.P. (MD) .No.15568 of 2011
30.11.2011

vsg/am
NSV/10.12.11/2P/5C