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**(2014) 10 MAD CK 0169**

**In the Madras High Court**

**Case No :** W. P(MD) No. 17181 of 2014 and M.P. (MD). No. 1 of 2014

S. Yesudas

APPELLANT

Vs

The Superintendent of Police

RESPONDENT

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**Date of Decision :** 20-10-2014

**Acts Referred:**

Constitution of India, 1950 — Article 20(3)  
Criminal Procedure Code, 1973 (CrPC) — Section 91, 97

**Citation :** (2014) 10 MAD CK 0169

**Hon'ble Judges :** M. Venugopal, J

**Bench :** Single Bench

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## Judgement

M. Venugopal, J.—The petitioner has filed the present Writ Petition praying for passing of an order by this Court by directing the respondents 2 and 3 herein not to interfere with the civil dispute at the instance of the sixth respondent and not to harass him in respect of a civil dispute.

2. According to the petitioner, he is in enjoyment of the property comprised in New S.No. 121/1D corresponding to old S.No. 121/1A4 measuring an extent of 3 acres Nanja land as a cultivating tenant for the past 20 years and the respondents 4 and 5 when attempted to evict him by force, he filed a civil suit in O.S.No. 1358 of 2012 on the file of learned II Additional District Munsif, Tiruchirappalli. During the pendency of the suit, the sixth respondent appeared to have created a sale deed in his favour, with an intention to evict him by force. In fact, an application before the Tahsildar, Tiruvarampur, for recording his tenancy right under the Record of Tenancy Act is also pending. In the meanwhile, the second respondent had directed the petitioner to appear before him for enquiry from 07.10.2014 and accordingly the petitioner appeared on 07.10.2014. However, the second respondent/Inspector of Police, Navalpattu Police Station, Anna Nagar, Navalpattu Post, Trichy, had warned him that he should vacate the property and hand over the same to the sixth respondent. In reality, the petitioner had informed the second respondent that the civil suit is pending and he had also approached the Tahsildar for recording his tenancy right under the

Record of Tenancy Act. But, the second respondent was in no mood to hear him.

3. Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the second respondent had received a paper/letter from the Deputy Superintendent of Police, who received the said paper/letter, from the Superintendent of Police and in this connection, the second respondent, had not enquired the petitioner and further, the Sub Inspector of Police, Navalpattu Police Station, Anna Nagar, Navalpattu Post, Trichy, had also not harassed the petitioner in any manner.

4. It is to be pointed out that for production of a document or other thing in terms of Section 97 of the Cr.P.C. an individual can be summoned to the Police Station at any stage of investigation, enquiry or trial. If any document is produced in compliance of notice, then in the eye of law, it is considered to be a testimonial act. Added further, Section 91 of Cr.P.C. does not offend Article 20(3) of the Constitution of India, in the considered opinion of this Court. Furthermore, a person summoned to produce a document or other thing by the police officer attached to a particular police station is not an offence and in the eye of law can even be cross-examined.

5. Be that as it may, in view of the fact that the petitioner has filed the present writ of mandamus seeking for an order to be passed in directing the respondents 2 and 3 not to interfere with the civil dispute at the instance of the sixth respondent, on behalf of the official respondents it is brought to the notice of this Court that the petitioner was not harassed by the second respondent/Inspector of Police, Navalpattu Police Station, Anna Nagar, Navalpattu Post, Trichy. In view of the fact that on the side of the official respondents, the second respondent had received a letter/paper from the Deputy Superintendent of Police (who in turn had received the same from the Superintendent of Police), this Court in the interest of Justice and fair play, directs the second respondent/Inspector of Police, Navalpattu Police Station, Anna Nagar, Navalpattu Post, Trichy, to issue a notice under Section 91 of Cr.P.C. if in case, the petitioner is required to be called for an enquiry at the police station for the purpose of investigation in accordance with Cr.P.C. and on receipt of the said summon/enquiry, notice the petitioner is directed to appear before the second respondent/Inspector of Police, Navalpattu Police Station, Anna Nagar, Navalpattu Post, Trichy, and further the second respondent is to proceed further only in the manner known to law and in accordance with law.

6. Before parting with the case, this Court also points out that if the respondents 1 to 3, if at any point of time, in connection with the enquiry while summoning the petitioner at police station, comes to the conclusion that the subject matter in issue is purely a civil dispute, then the concerned parties may be directed to take recourse to civil proceedings before competent Court of Law.

7. With the afore-said directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.