

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.22320 of 2015

S.P.Rajasekar.

... Petitioner

Vs

The State

Rep. by Inspector of Police,
District Crime Branch,
Salem.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police not to harass the petitioner in Crime No. Not Known/2015 on the file of respondent Police.

For Petitioner : Mr.G.Muthukumar

For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

This petition has been filed to direct the respondent police not to harass the petitioner in Crime No. Not Known/2015 on the file of respondent Police.

2. It is the case of the petitioner that he availed loan from HDB Financial Services Limited, for purchase of commercial vehicle, trucks , for a sum of Rs.8,50,000/- and Rs.8,28,445/- respectively, and totally he has to pay a loan for a sum of Rs.11,64,490/- together with interest. The transaction between the petitioner is purely civil in nature. While so, based on the complaint given by one Prakash, the respondent police are frequently calling the petitioner and harassing him. Hence, the present petition.

3. Learned counsel for the petitioner submitted that the matter is purely civil in nature and the respondent cannot conduct an enquiry.

4. However, learned Additional Public Prosecutor submitted that no F.I.R. was registered and only petition enquiry is pending and

absolutely, there is no intention on the part of the respondent police to harass the petitioner.

5. Considering the submissions made by the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, this Court is constrained to pass the following order:-

(i) The petitioner is directed to co-operate with the enquiry.

(ii) The respondent police is directed to conduct the enquiry in accordance with law, without harassing the petitioner.

(iii) In the event the respondent comes to the conclusion that the matter is civil in nature, the respondent police is directed to pass appropriate order on the complaint given by the defacto complainant.

6. The criminal original petition is disposed of accordingly.

VSI

sd/-

Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police, सत्यमेव जयते
District Crime Branch,
Salem.

2. The Public Prosecutor,
High Court, Chennai.

+1CC G.Muthukumar Advocate in SR.NO. 63441

CrI.O.P.No. 22320 of 2015

VS

Sd 11/12/2015