

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28216 of 2015

T.Srinivasan.

... Petitioner

Vs

1. The Superintendent of Police,
Thiruvallore Town S.P.Office,
Thiruvallore.

2. State Rep by Inspector of Police
F-2, Sipcot Police Station,
Gummidipoondi, Thiruvallur District. ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
to direct the 2nd respondent not to harass the petitioners in
the blanket of enquiry in CSR No. Not Known/2015 on the file of
the respondent police.

For Petitioner : Mr.L. Infant Dinesh
For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

This petition has been filed to direct the 2nd respondent
not to harass the petitioners in the blanket of enquiry in CSR
No. Not Known/2015 on the file of the respondent police.

2. The petitioner submitted that the petitioner approached
VMS builders for construction of overhead tank at the company
premises and irrespective of the quotation for construction, he
had paid two lakhs and fifty thousand through bank transaction.
The petitioner issued a cheque for fifty thousand and asked the
builder not to present the same, but he found that the builder
presented the cheque for encashment and the petitioner cleared
the cheque amount on the same day by RTGS for a smooth
relationship and asked the builder to return the cheque. But the
builder had lodged a complaint with the 2nd respondent to recover
the money on the construction illegally made by them. The
respondent police are frequently calling the petitioner and
harassing him. Hence, the present petition.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted that based on the complaint made by the VMS Builders, only petition enquiry is pending and the petitioner is called for enquiry.

4. Learned counsel for the petitioner submitted that the matter is purely civil in nature and the respondent police cannot call the petitioner for enquiry.

5. Irrespective of the submissions made on either side, 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, during the course of enquiry, the respondent police comes to the conclusion that the matter is civil in nature, the respondent police is directed to pass appropriate orders.

6. The criminal original petition is disposed of accordingly.

vsi

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Thiruvallore Town S.P. Office,
Thiruvallore.

2. State Rep by Inspector of Police
F-2, Sipcot Police Station,
Gummidipoondi, Thiruvallur District.

3. The Public Prosecutor, High Court, Chennai.

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prk11/12

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