

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.28798 of 2015

1.M.Palanisamy
2.P.Selvarani

... Petitioners

Vs.

State by Sub Inspector of Police,
District Crime Branch,
Coimbatore District.

... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent not to harass the petitioners.

For Petitioners : Mr.B.Kumarasamy
For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition is filed for a direction to the respondent not to harass the petitioners.

2.In the petition it is stated that the petitioners are husband and wife and they are running bags and xerox shop under the name and style of S.R.Bags and Xerox and they are running small scale of chits. It is further stated that for the purpose of running their business, they used to obtain loan from C.Gopalakrishnan, Tmt.Rajeswari, Tmt.Saradhammal, Tmt.Sumathi, Kalaiarasi, Savithri, Velraj and N.Selvan. In respect of the said money transaction, there was a dispute between the petitioner and the said persons. Hence, a complaint was lodged as against these petitioners and based on the complaint, the respondent police is harassing the petitioners. Hence, this petition.

3.The learned counsel appearing for the petitioners submitted that the transaction between the petitioners and the said persons are purely civil in nature and the respondent police under the guise of investigation is harassing the petitioners and thus prayed for appropriate orders.

4.The learned Additional Public Prosecutor submitted that the petitioners collected money from several persons and thereafter misappropriated the same and hence, it is in-correct to state that the issue is purely civil in nature. He further submitted that only inorder to avoid enquiry with the respondent police, they have come forward with this petition and strongly opposed to grant any direction sought for by the petitioners.

5.Irrespective of the submissions made on either side, this Court is constrained to pass the following order:

- 1.The petitioners are directed to cooperate with the enquiry.
- 2.The respondent police is directed to conduct the enquiry in accordance with law, without harassing the petitioners.
- 3.In the course of enquiry if materials are gathered indicating commission of any cognizable offence, the respondent police is directed to proceed further in accordance with law, as early as possible.
- 4.If no prima facie case is made out, the respondent is at liberty to pass appropriate orders on the said complaint.
6. The criminal original petition is ordered accordingly.

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Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Sub Inspector of Police,
District Crime Branch,
Coimbatore District.

2.The Public Prosecutor
High Court, Madras.

+1 C.C. to M/S.B.KUMARASAMY Advocate Sr.No.65853.

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SK (CO)
SM 29/12/2015