

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.01.2017

Coram

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Cr1.O.P.No.26568 of 2016

S.Chandra Mohan

.. Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Nagappatinam District.

2.The Inspector of Police,
District Crime Branch,
Nagappattinam District.

Respondents

..

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C to direct the second respondent not to harass the petitioner.

For Petitioner :M/s.Greetha Senthilkumar
For Respondents :Mr.C.Emalias, APP

ORDER

This petition has been filed seeking a direction to the second respondent not to harass the petitioner.

2.It is the case of the petitioner that he was one of the Directors of one M/s.Korakkar Benefit Fund Limited, in which, he has invested Rs.6,54,000/- as his share. As he did not like the activities of the Management and other Directors, he resigned from the Directorship of the said Finance Company on 05.05.2016 and he asked for his share amount. Initially, the Directors informed that they will return the money, later they not only refused to return back his share amount, but also, lodged a false complaint against the petitioner. Pursuant to the same, the second respondent police is unnecessarily harassing the petitioner, so as to compel him to come for a settlement. Therefore, the present petition came to be filed.

3.Learned counsel for the petitioner submitted that while he was working as Director of the said Company, there was no problem with regard to functioning of the company and that, monthly and annual inspections were duly held and audit reports were properly maintained. Suppose there is any dispute regarding the audit and accounts and management and administration of the Company, the same has to be resolved through arbitration as per the Bye-law of the Company. Therefore, harassing the petitioner under the guise of enquiry is arbitrary and illegal.

4.Per contra, learned Additional Government Pleader, on instructions, submitted that there is a specific complaint against the petitioner, due to which, he is required for enquiry. But, he is not co-operating with the respondent police for enquiry.

5.In reply, learned counsel for the petitioner submitted that the petitioner is inclined to co-operate with the respondent police, but apprehending harassment by them.

6.Considering the submissions made on either side, this Court directs the petitioner to co-operate with the respondent police so as to complete the investigation as expeditiously as possible. The respondents are also directed not to harass the petitioner under the guise of enquiry. Accordingly, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Nagappatinam District.
- 2.The Inspector of Police,
District Crime Branch,
Nagappattinam District.

3.The Public Prosecutor, High Court, Madras-104.

sk(CO)
md(06/02/2017)

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