



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDARCRL.O.P.(MD)No.11313 of 2017

WEB COPY

J.Atham Malik

... Petitioner

-Vs-

1. The Commissioner of Police,
Madurai City, Madurai - 7.
2. The Inspector of Police(L&O),
Anna Nagar Police Station,
Madurai - 20.
3. R.Pon Shanmuga Balaji
4. Alavudeen

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents not to harass the petitioner and his family members under the guise of enquiry and also pass appropriate orders.

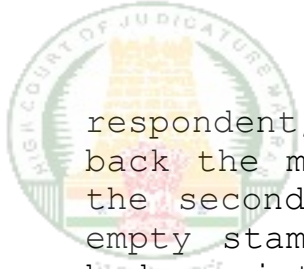
For Petitioner : Mr.P.Gunaseskaran
For R-1 & R-2 : Mr.K.Anbarasan,
Government Advocate(Crl. Side).

O R D E R

This Criminal Original petition is filed seeking a direction to the respondents not to harass the petitioner and his family members under the guise of enquiry.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondents 1 and 2.

3. It is the case of the petitioner that the petitioner introduced the fourth respondent to the third respondent who paid a sum of Rs.75,000/- to the fourth respondent for getting Visa and Passport and for getting employment in abroad. It is stated that on the basis of the complaint received from the third respondent, the petitioner is being put to harassment unnecessarily. Even though the fourth respondent has accepted the money and created the third respondent, it is further stated that the second respondent without taking any action against the fourth



respondent, is harassing the petitioner and his wife to return back the money to the third respondent. It is also alleged that the second respondent obtained signatures from the petitioner in empty stamp papers and white papers, even though the petitioner had no intention to cheat the third respondent and that it was only to help the third respondent, the petitioner advised the third respondent to approach the fourth respondent.

4. The learned Government Advocate(Criminal Side) however on instructions submitted that no complaint was received against the petitioner and that therefore, the petitioner need not be enquired. He also ensured that there will not be any harassment.

5. Having regard to the peculiar circumstances of the case and specific allegations, the second respondent need not harass the petitioner. Even if a complaint is received involving the petitioner and the presence of the petitioner is required for any enquiry, the same shall be done only after issuing summons prescribing date and time and in the manner known to law.

6. With the above observation, the Criminal Original petition is closed.

Sd/-
Assistant Registrar(co)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police, Madurai City, Madurai - 7.
2. The Inspector of Police(L&O), Anna Nagar Police Station, Madurai - 20.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.P.GUNASEKARAN, Advocate SR.No.75185

pmu
MAS/MR-KKR/SAR1:07.09.2017:2P-5C

CRL.O.P. (MD) No.11313 of 2017
29.08.2017