



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD)No.12169 of 2017

D.Manikandan

...Petitioner

Vs.

1. The Superintendent of Police,
Dindigul District,
Dindigul.

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

3. A.Rajendran

...Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent police not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.D.Selvaraj
For R-1 & R-2 : Mr.K.Anbarasan,
Government Advocate(Criminal Side).

O R D E R

This Criminal Original Petition is filed for a direction to the second respondent police not to harass the petitioner under the guise of enquiry.

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

3. It appears that on the basis of the complaint lodged by the third respondent, alleging breach of trust and cheating against the petitioner, the petition enquiry is pending. However, the petitioner states that a sum of Rs.30,00,000/- is due from the third respondent, namely, Rajendran and that the third respondent is threatening the petitioner and instigating the second respondent to harass the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Having regard to the nature of allegations and the



complaint lodged by the third respondent as against the petitioner, it is open to the second respondent to investigate and complete the enquiry as per the decision of the Hon'ble Supreme Court in **Lalithakumari** case. Even if the presence of the petitioner is required for any enquiry, the same can also be done only after issuing summons prescribing date and time and following the Judgment of the Hon'ble Supreme Court in the case of **D.K. Basu Vs. State of West Bengal**, reported in **AIR 1997 SC 610**. With the above observation, the Criminal Original petition is closed.

5. However, the learned counsel for the petitioner submitted that the second respondent has not even furnished the copy of the complaint to the petitioner so as to know the nature of the complaint given as against the petitioner.

6. The second respondent is also directed to furnish a copy of the complaint to the petitioner.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Dindigul District, Dindigul.
- 2.The Inspector of Police,
District Crime Branch, Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.D.SELVARAJ Advocate in SR. No. 79395

PMU

JS/SV.MMS/SAR.3/27.09.2017/2P-5C

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