



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

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CRL.O.P.(MD)No.12351 of 2017

S.Pandidurai

: Petitioner

-Vs-

1. The State rep. by
The Inspector of Police,
District Crime Branch,
Sivagangai District.
2. The Superintendant of Police,
Sivagangai District,
Sivagangai.

3. N.Gunalan

: Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent not to harass the petitioner without the due process of law under the garb of conducting the petition enquiry.

For Petitioners : Mr.D.Thiruppathi

For Respondents 1 and 2 : Mr.K.Anbarasan,
Government Advocate(Crl.Side)

O R D E R

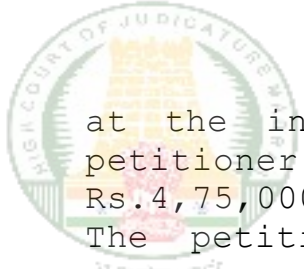
This petition is filed for issuing a direction to the first respondent not to harass the petitioner under the guise of enquiry.

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

3. The petitioner states that there was some business transaction between the petitioner and the third respondent and that they have also compromised the issues between them, as per the terms of agreement dated 12.09.2016 and that a sum of Rs.4,00,000/- was paid by the petitioner. The said agreement itself shows that there are some dues.

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

4. It is the case of the petitioner that the first respondent



at the instigation of the third respondent is compelling the petitioner to immediately settle the entire amount of Rs.4,75,000/-, which is shown as amount due in terms of agreement. The petitioner further states that the third respondent can recover any balance only by approaching the Civil Court, even as per the terms of agreement. Since the first respondent has compelled and harassing the petitioner to settle the dues, the petitioner states that he is constrained to file this petition before this Court.

5. The first respondent cannot act as an agent for any individual to recover the money even if the case is admitted or made out that the petitioner is liable to pay any amount to the third respondent. It is merely because the petitioner is liable to pay some money, the first respondent cannot enquire and insist any payment as it is a matter, which is purely civil in nature. Unless there is cheating or commission of any criminal offences, the first respondent has no role. Even if the complaint is received against the petitioner for any cognizable offence, the same also can be enquired and the petitioner can be asked to appear only after issuing summons in the manner prescribed in law. There is no need for any harassment.

6. With the above observations, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
District Crime Branch,
Sivagangai District.

2. The Superintendent of Police,
Sivagangai District,
Sivagangai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR.D.Thiruppathi, ADVOCATE IN SR No.79804
trp
MK/KP/SAR-1/03.10.2017/2P/5C