



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD)No.12610 of 2017

WEB COPY

Jafer Hussain

...Petitioner

Vs.

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

2. The Inspector of Police,
Sivakasi Town Police Station(Law and Order),
Sivakasi,
Virudhunagar

3.Sivadas

...Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent not to harass the petitioner and his family under the guise of enquiry based on the complaint given by the third respondent without due process of law.

For Petitioner : Mr.Lakshmi Gopinathan,
for M/s.Polex Legal Solution.

For R-1 & R-2 : Mr.C.Ramesh,
Additional Public Prosecutor.

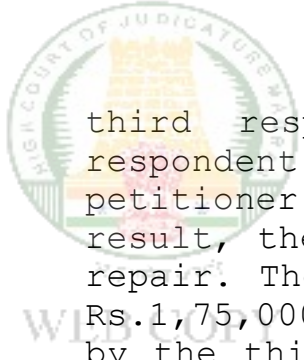
O R D E R

This Criminal Original petition is filed for issuing a direction to the second respondent not to harass the petitioner and his family under the guise of enquiry based on the complaint alleged to have given by the third respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 and 2.

3. The case of the petitioner is that he took an advance of a sum of Rs.3,00,000/- from the third respondent, as he has promised to buy a second hand car from the petitioner.

4. It appears that the petitioner is a dealer of second hand cars. Since the third respondent stated that he would buy the car, only if he is satisfied with some sentiments, the learned counsel for the petitioner states that the car was used by the



third respondent for some time. However, when the third respondent returned the car, it is further stated by the petitioner that the car was found with some repairs and as a result, the petitioner had incurred a sum of Rs.1,25,000/- towards repair. Though the petitioner was agreeable to pay the balance of Rs.1,75,000/-, it is stated that a false complaint has been lodged by the third respondent, as if the petitioner is liable to pay a sum of Rs.10,00,000/-. It is in the said circumstances, the petitioner states that he is put to harassment by the second respondent, on the false complaint of the third respondent.

5. The learned Additional Public Prosecutor, however on instructions submitted that no such complaint has been received either from the third respondent or from any one as against the petitioner. In such circumstances, it is further stated that no enquiry is contemplated and there is no question of harassment.

6. Even assuming that against the petitioner, a complaint is received, the petitioner can be called for enquiry, only after issuing summons and in the manner prescribed in law. Without following the procedure, there shall not be any harassment to the petitioner.

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

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
 2. The Inspector of Police,
Sivakasi Town Police Station(Law and Order),
Sivakasi,
Virudhunagar
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1cc to M/S.POLAX LEGAL SOLUTIONS,Advocate,SR.80520

CRL.OP.(MD)No.12610 of 2017
22.09.2017

PMU

KK/SVMMS/SAR2/06.10.2017/ 2P- 5C/