



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD)No.13470 of 2017

Kamaraj

... Petitioner/Petitioner

Vs.

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

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

3.Krishnan

... Respondents/Complainants

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent to direct the second respondent not to harass the petitioner in such false case on the basis of the petitioner's representation, dated 29.06.2017, to take necessary action to dispose the case.

For Petitioner : Mr.R.Balamuruganantham

For R-1 & R-2 : Mr.K.S.Durai Pandiyan,
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 on the basis of the alleged false complaint given by the third respondent as against the petitioner.

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

3. It appears that the third respondent lodged a complaint before the second respondent on the allegation that the petitioner has cheated a sum of Rs.3,50,000/- from the third respondent for sending his son to abroad. It is further stated that the petitioner has also filed a petition for Anticipatory Bail and this Court has pleased to direct the petitioner to appear and co-operate with the enquiry.

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

4. The learned Additional Public Prosecutor on instructions



submitted that the petitioner despite a direction by this Court has not co-operated with the enquiry.

5. When the complaint was lodged as against the petitioner and the complaint makes out of a *prima facie* case for a cognizable offence, the same has to be registered. It is submitted that the petitioner has not co-operated with the enquiry. The second respondent shall proceed in accordance with law. However, there need not be any harassment and even if the presence of the petitioner is required for any enquiry, the same also can be done only after issuing summons prescribing date and time and in the manner known to law. Since this Court has also directed the second respondent to register the complaint, in case, a cognizable offence is made out the second respondent shall proceed further in the manner known to law.

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

Sd/-

Assistant Registrar(CRL. SIDE)

/True Copy/

Sub Assistant Registrar

To

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

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

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

+1cc to Mr.R.Balamuruganantham Advocate in SR. No. 81717

PMU

JS/SKN.RSK/SAR.1/24.10.2017/2P-5C

CRL.OP.(MD)No.13470 of 2017
05.10.2017