



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDARCRL.O.P.(MD)No.13689 of 2017

WEB COPY

Thirupathi

: Petitioner/Accused

-Vs-

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

2.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi, Virudhunagar District.

3.Musthafa

: Respondents/Complainants

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.K.P. Sankarakumara Karuppan
For Respondents 1 and 2 : Mr.K.S. Duraipandian
Additional Public Prosecutor

O R D E R

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

2. The petitioner states that he purchased a Honda Activa Bike for the third respondent in the name of the petitioner's friend viz., Arun kumar, by paying an initial payment of Rs.28,000/-, which was borrowed by the petitioner from third respondent. It was further stated that the third respondent has also purchased a TVS Sport vehicle for his adopted son one Ganesan for a sum of Rs.13,000/-. It is stated that there was some financial dealings with the petitioner and the third respondent and that the third respondent has given a false complaint before the second respondent and that the second respondent is harassing the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/> Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the



respondents 1 and 2.

4. The petitioner has produced the notice issued by the third respondent for the dishonor of cheque and a reply given by the petitioner through his counsel. The petitioner denies the liability. If the complaint is lodged against the petitioner for any cognizable offences, it is open to the second respondent to register the same and proceed in accordance with law and the petitioner need not be harassed. Further, the second respondent cannot act as a collecting agent. Even if the presence of the petitioner is required for enquiry, the same shall also be done only after issuing summons prescribing date and time and in the manner prescribed in law.

With the above observation, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi, Virudhunagar District.
(Crime No.90 of 2017)
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR.K.P.Sankarakumara Karuppan, ADVOCATE IN SR No.82279
trp
MK/SV MMS/SAR-1/26.10.2017/2P/5C

CRL.O.P.(MD)No.13689 of 2017
11.10.2017