



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD).No.13826 of 2017

Dharmaraj ... Petitioner
Vs.

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

2.The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti Town,
Kovilpatti Taluk,
Thoothukudi District.

3.Pathmapraba ... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the 1st respondent to instruct the 2nd respondent not to harass the petitioner and his wife by name Murugalakshmi in the guise of enquiry with regard to the complaint dated 12.08.2017 lodged by the 3rd respondent on the basis of the Legal Notice dated 22.09.2017.

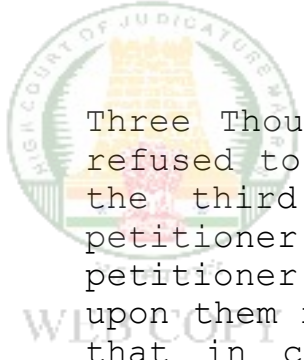
For Petitioner : Mr.T.Indrachithu

For R1 and R2 : Mr.K.S.Durai Pandian
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the 1st respondent to instruct the 2nd respondent not to harass the petitioner and his wife by name Murugalakshmi in the guise of enquiry in connection with the complaint dated 12.08.2017 lodged by the 3rd respondent on the basis of the Legal Notice dated 22.09.2017.

2.The learned counsel for the petitioner states that the third respondent has given a complaint as against the petitioner and his wife by name Murugalakshmi in the guise of enquiry in connection with the complaint dated 12.08.2017 lodged by the 3rd respondent on the basis of the Legal Notice dated 22.09.2017. It appears that the third respondent has given a complaint stating that the third respondent has advanced a sum of Rs.4,63,000/- (Four Lakhs Sixty



Three Thousand Rupees only) to the petitioner and the petitioner refused to repay the same to the third respondent and therefore, the third respondent has lodged a complaint as against the petitioner and his wife. After the complaint was filed, the petitioner has sent a legal notice to the respondents and calling upon them not to take any action on the basis of the complaint and that in case of failure, the petitioner will take appropriate legal action. Thereafter, the petitioner has come forward with the above petition stating that on the basis of the complaint lodged by the third respondent, the second respondent is harassing the petitioner.

3. Having regard to the nature of the complaint as reflected in the legal notice sent by the petitioner, the complaint discloses cognizable offence for which the petitioner can be prosecuted. Further the second respondent has not registered the case as against the petitioner. Under these circumstances, the petitioner has come forward with this petition for issuing a direction to the second respondent not to harass the petitioner under the guise of enquiry. In this case, there is no specific instance of harassment is pleaded. Be that as it may, the complaint given by the third respondent disclose specific allegations against the petitioner for cheating the third respondent. In these circumstances, it is open to the second respondent to register the complaint and proceed with the same in accordance with law and there shall not be any harassment.

4. This Criminal Original Petition is dismissed with the above observation.

Sd/-

Assistant Registrar (CSI)

/True Copy/

Sub-Assistant Registrar

To

1. The Superintendent of Police, Thoothukudi District,
Thoothukudi.
2. The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti Town,
Kovilpatti Taluk, Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

mm

RL/4C/2P/KP/SAR1/14/11/2017

Cr1.O.P. (MD).No.13826 of 2017