



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.14323 of 2017

P.Mohan David

: Petitioner

-Vs-

1.The Superintendent of Police,
O/o. the Superintendent of Police,
Thoothukudi,
Thoothukudi District.

2.The Inspector of Police,
South Police Station,
Thoothukudi District.

3.Josephamal Fredric

4.C.Claudia Malinta Rayen

: Respondents

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

For Petitioner : Mr.B.N.Raja Mohamed

For Respondents 1 & 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 police not to harass the petitioner under the guise of enquiry.

2. The petitioner states that the petitioner was a partner in partnership firm and that he retired from the partnership in the month of March 2017 under a deed of dissolution of partnership, dated 01.03.2017. It is the further contention of the petitioner that on the basis of the complaint lodged by the respondents 3 and 4, who are also the partners of the firm, the petitioner was called upon to appear before the second respondent Police on 24.09.2017 and that he was forced to undertake all the liabilities of the firm.

3. The learned Additional Public Prosecutor appearing for the second respondent on instructions submitted that no petition enquiry



is pending against the petitioner.

4. However, he is not able to account how the petitioner was called for enquiry as submitted by the petitioner. Be that as it may, the petitioner has not disclosed the nature of complaint given by the respondents 3 and 4 as against the petitioner.

5. In such circumstances it is impossible to consider the merits of the petitioner's claim. Even, the deed of dissolution of partnership agreement dated 01.03.2017 relied upon by the petitioner is self contradictory as it is not going well with the submissions of the petitioner as regard the nature of complaint given by the respondents 3 and 4. However, there is no need for harassment. Even, if the petitioner's appearance is required for enquiry, the same also shall be done only by issuing summons prescribing date and time and in the manner prescribed in law. However, liberty is given to the second respondent to proceed in accordance with law in case the complaint lodged by respondents 3 and 4 as against the petitioner discloses any cognizable offence.

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

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
O/o. the Superintendent of Police,
Thoothukudi,
Thoothukudi District.
- 2.The Inspector of Police,
South Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

TRP
TE/GT/SAR-I : 09/11/2017 : 2P/4C