



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 18.04.2017  
CORAM

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH**

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CRL.O.P.(MD)No.4573 of 2017

G.Boothalingampillai : Petitioner

Vs.

1.The Superintendent of Police,  
Kanyakumari District.

2.The Inspector of Police,  
Kaliyakkavilai Police Station,  
Kanyakumari District.

3.Ranjith : Respondents

Prayer:Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the second respondent herein not to harass the petitioner in name of enquiry without due process of law.

For Petitioner : Mr.S.Ramasamy  
For Respondents 1&2 : Mr.K.Anbarasan,  
Government Advocate (Crl.side)

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O R D E R

This petition has been filed to direct the second respondent herein not to harass the petitioner under the guise of enquiry without due process of law.

2. Heard the learned counsel for the petitioner; learned Government Advocate (Criminal side) appearing for the respondents 1 and 2; and perused the materials placed on record.

3. M/s.Maria Raja Fernandus, Special Sub-Inspector of Police, Kaliyakkavilai Police Station, is present in Court today. On instructions, the learned Government Advocate (Criminal side) submitted that, on the complaint given by one Ranjith, a petition enquiry in C.S.R.No.174 of 2017 was conducted and the same was closed on 21.03.2017, on undertaking given by the petitioner that he will return some cylinders to the third respondent. Since the petitioner did not comply with the undertaking, the police have



4. The learned counsel for the petitioner submitted that some cylinders belonging to the customers of the petitioner are with the third respondent.

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5. This Court cannot go into the disputed questions of fact in a petition under Section 482 of the Code of Criminal Procedure. However, the petitioner is directed to participate in the enquiry and during enquiry, he shall not be harassed. During the course of enquiry, if any cognizable offence is made out, the second respondent is free to register an FIR and this order shall not be a shield for the petitioner against arrest.

6. With the above direction, this petition is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Superintendent of Police,  
Kanyakumari District.
- 2.The Inspector of Police,  
Kaliyakkavilai Police Station,  
Kanyakumari District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+One cc to Mr.S.Ramasamy, Advocate, SR.No.52717

SML

RL/5C/2P/MR/2.5.2017

Order made in  
CRL.O.P.(MD)No.4573 of 2017

Dated:-  
18.04.2017