



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.9943 of 2017

WEB COPY

Sivabalan

... Petitioner

-Vs-

1. State rep. by its,
The Inspector of Police,
Subramaniapuram Police Station,
Madurai.

... Respondent

2. Raju

... Respondent/Defacto Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent not to harass the petitioner in the name of enquiry without due process of law.

For Petitioner	: Mr.Seemaraj
For R-1	: Mr.K.Anbarasan, Government Advocate(Crl. Side).
For R-2	: Mr.K.Manikandan

O R D E R

This Criminal Original petition is filed for a direction to the first respondent not to harass the petitioner in the name of enquiry without due process of law.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the first respondent and the learned counsel appearing for the second respondent.

3. It appears that the petitioner was working as Collection Agent for the second respondent. Alleging that the petitioner has not accounted the money collected by him on behalf of the second respondent properly, a complaint has been preferred by the second respondent before the first respondent police. It is further stated that it is only in relation to the said complaint, the first respondent appears to have conducted some enquiry. Aggrieved by the same, the petitioner has preferred the above Criminal Original petition, seeking prayer as indicated above.

4. The learned counsel for the second respondent submitted <https://hservices.ecourts.gov.in/hcservices/> since the petitioner has committed a cognizable offence and that therefore, the preliminary enquiry cannot be dispensed with.



5. The learned Government Advocate(Criminal Side) also ensured that there will not be any harassment and the petitioner will also be called for enquiry, if necessary only after issuing summons in the manner prescribed in law.

6. Recording the undertaking of the learned Government Advocate(Criminal Side), the Criminal Original petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Subramaniapuram Police Station,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.K.SEEMARAJ,Advocate,SR. 80231

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PMU

KK/GT/SAR /27.09.2017/ 2P- 4C/