



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.18433 of 2017

Sethuraman

... Petitioner

-Vs-

1. The Inspector General of Police,
South Zone, Madurai.
2. The Superintendent of Police,
Sivagangai,
Sivagangai District.
3. The Deputy Superintendent of Police,
Ram Nagar, Devakottai,
Sivagangai District.
4. The Inspector of Police,
Town Police Station, Devakottai,
Sivagangai District.
5. Viswanathan
6. Somasundaram @ Kumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 and 4 herein not to harass the petitioner and his family members based on petitioner representation dated 03.10.2017.

For Petitioner	: Mr.S.Muthukumar
For Respondents	: Mr.D.Muruganantham
1 to 4	Additional Government Pleader.

O R D E R

This Writ Petition is directed against the respondents 3 and 4 not to harass the petitioner and his family members based on the petitioner's representation dated 03.10.2017.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4.



3. The petitioner states that he is employed under the fifth respondent who is running a pawnbroker shop. It is stated that originally the father of fifth respondent by name one Muthusamy was running the pawnbroker shop and that the petitioner was employed as an Accountant. After the demise of the fifth respondent's father, it is stated by the petitioner that he was not treated properly by the fifth respondent and that the fifth respondent for no reason threatened him as if the petitioner owes more than a sum of Rs.20,00,000/- to the fifth respondent. Though several representations were given by the petitioner requesting to take action as against the fifth respondent, the learned counsel for the petitioner states that a complaint has been lodged by the fifth respondent as against the petitioner for misappropriation of a sum of more than Rs.19,00,000/- and that the petitioner is put to harassment by the respondent police. If the complaint is lodged against the fifth respondent or any one for any criminal misappropriation or any other offence alleged to have been committed by the petitioner, it may be open to the respondent police to register a complaint and then proceed further in accordance with law. Under the guise of enquiry, it is not necessary for the respondents 3 and 4 to harass the petitioner. Even if the petitioner is required to appear for any enquiry in connection with the criminal complaint lodged by the fifth respondent, the petitioner can be called upon to attend the enquiry only upon issuance of summons in the manner prescribed in law. Since the petitioner is aged 81 years and he was employed under the fifth respondent, the petitioner cannot afford to face any excess. Therefore, while permitting the respondents 3 and 4 to proceed with the complaint that has been lodged by the fifth respondent as against the petitioner, there shall not be any harassment on the petitioner and his family members.

4. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

/True Copy/

Sub Assistant Registrar

To

1. The Inspector General of Police,
South Zone, Madurai.

2. The Superintendent of Police,
Sivagangai,

<https://hcservices.ecourts.gov.in/hcservices/>
Sivagangai District.



3. The Deputy Superintendent of Police,
Ram Nagar, Devakottai,
Sivagangai District.

4. The Inspector of Police,
Town Police Station, Devakottai,
Sivagangai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 81786
+ 1 CC TO Mr.S.MUTHUKUMAR, ADVOCATE IN SR No. 81624

SRM

TE/JC/SAR-I : 12/10/2017 : 3P/7C

W.P. (MD) No. 18433 of 2017
04.10.2017