



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2018

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THE HON'BLE MR.JUSTICE P. RAJAMANICKAM

Crl.O.P.(MD) No.1069 of 2018

1.G.Kumar
2.K.Rajeswari

... Petitioners

-Vs-

1.The Superintendant of Police,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
Malli Police Station,
Malli, Srivilliputur Taluk,
Virudhunagar District.

3.The Sub Inspector of Police,
Malli Police Station,
Malli, Srivilliputur Taluk,
Virudhunagar District.

4.The Executive Officer,
Mahindra and Mahindra Finance,
Sivakasi Branch,
No.820, P.K.N. Road,
Sivakasi.

5.R.Chellapandian

... Respondents

Prayer: This Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to direct the respondents not to harass these petitioners on the basis of the representation dated 18.01.2018.

For Petitioner : Mr.M.Thangaprakash
For Respondents : Mr.Prabhu Ramachandran
Government Advocate (Crl. Side)

O R D E R

This petition has been filed to direct the respondents not to harass the petitioners under the guise of enquiry, based upon the complaint given by the respondent nos. 4 and 5.



2. The learned counsel appearing for the petitioners has submitted that the first petitioner has purchased a Car from the fifth respondent and for that finance has been provided by the fourth respondent and subsequently, the first petitioner has enquired about the account statement of loan amount, but, the respondent nos. 4 and 5 demanding loan amount, gave a false complaint before the third respondent and based on that, the third respondent is harassing the petitioners. He further submitted that already the first petitioner has filed a suit in O.S.No.186 of 2017, on the file of the District Munsif, Sivagangai, to direct the fourth respondent to furnish proper account and that being so, it is not open to the respondents to harass the petitioners.

3. The learned Government Advocate (Crl. Side) appearing for the respondent nos. 1 to 3 has submitted that based upon the complaint given by the fifth respondent, a case has been registered against the first petitioner in Crime No.3 of 2018, for the offences under Sections 406, 420, 294(b) and 506(i) of IPC and hence, the question of harassing the petitioners does not arise.

4. Considering the aforesaid submissions, since already a case has been registered against the first petitioner, it is open to the respondent nos. 1 to 3 to proceed further in accordance with law and insofar as, the second petitioner is concerned, no case has been registered against her and hence, the second petitioner should not be subjected to any harassment.

5. With the above observations, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Superintendant of Police,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
Malli Police Station,
Malli, Srivilliputur Taluk,
Virudhunagar District.

3.The Sub Inspector of Police,
Malli Police Station,
Malli, Srivilliputur Taluk,
Virudhunagar District.



4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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+1cc to M/S.M.Thangaprakash, Advocate SR.No. 44226

Cr1.O.P.(MD) No.1069 of 2018
24.01.2018

trp
JM/GT/SAR 2/14.02.2018/3P/6C