



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.2255 of 2018

J.Harivasagan

... Petitioner

-Vs-

1. The Commissioner of Police,
Madurai City.

2. The Assistant Commissioner of Police,
City Range Madurai Town,
Madurai City.

3. The Inspector of Police,
South Gate Police Station,
Madurai City.

4. Birendra Agarwal,
Birendra Bearing Centre,
Kansa Mettu Theru,
Madurai City.

5. Prasanth @ Bombay Prasanth,
Gold Jewells Pattarai,
South Masi Street,
Madurai City.

... Respondents/Complainants

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the second and third respondent police not to harass the petitioner based on the complaint of 4th and 5th respondent.

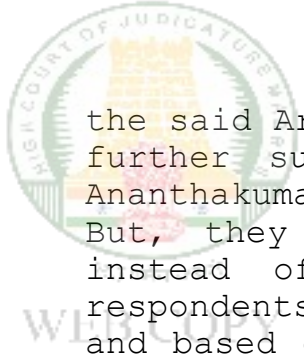
For Petitioners
For RR 1 to 3

: Mr.J.Vijaya Raja
: Mr.Prabu Ramachandran,
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondents 2 and 3 not to harass the petitioner under the guise of enquiry based on the complaint given by the respondents 4 and 5.

<https://hcservices.ecourts.gov.in/hcservices/>
2. The learned counsel for the petitioner has submitted that the petitioner and one Arunkumar and Ananthakumar are started a jewel shop in the name and Style of "Sri.J.K.Jewellers and subsequently,



the said Arunkumar and Ananthakumar retired from the partnership. He further submitted that it appears that the said Arunkumar and Ananthakumar have received some amount from the respondents 4 and 5. But, they have not repaid the same. He further submitted that instead of taking actions against the aforesaid persons, the respondents 4 and 5 gave a false complaint against the petitioner and based on the said complaint the respondents 2 and 3 compelling the petitioner to settle the amount.

3.The learned Government Advocate (Crl.side) has submitted that the 5th respondent gave a complaint against the petitioner herein alleging that he has taken 137 grams gold from the said jewelry shop, in which the respondents 4 and 5 are also partners and the enquiry is still pending before the third respondent.

4.Considering the aforesaid submissions the third respondent is directed to enquire the complaint and if the enquiry reveals any cognizable offence, then he has to register a case and proceed further in accordance with law. In stead of doing so, he should not unnecessarily harass the petitioner.

5.With the aforesaid observation, this Criminal original Petition is disposed of.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai City.
2. The Assistant Commissioner of Police,
City Range Madurai Town,
Madurai City.
3. The Inspector of Police,
South Gate Police Station,
Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.J.VIJAYARAJA, ADVOCATE IN SR No. 49736

DAS

TE/CVC/SAR-4 : 16/03/2018 : 2P/6C