



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.2319 of 2018

K.M.P.Muthuvelan

... Petitioner

-Vs-

1.The Commissioner of Police,
Madurai District,
Madurai.

2.State represented by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.

3.Kinara Visage Holdings and
Finance Private Limited,
Represented by its Branch Manager,
D.No.2/1, Sivanantham Road,
Aarapalayam Cross Road,
Madurai District.

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 & 2 herein not to harass the petitioner in the name of enquiry without due process of law.

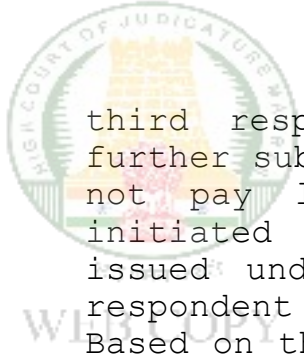
For Petitioner
For RR 1 & 2

: Mr.G.Ganesh Kumar
: Mr.Prabu Ramachandran,
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondents 1 and 2 not to harass the petitioners under the guise of enquiry based upon the complaint given by the third respondent.

2.The learned counsel for the petitioner has submitted that the petitioner is running a business in the name and style of "Muyal Appalam" and he has availed a personal loan of Rs.14 lakhs from the



third respondent. He is regularly paying the installments. He further submitted that due to the accident met with by him, he could not pay last three installments. Hence, the third respondent initiated the Arbitration proceedings and a notice has also been issued under the Arbitration Act and that being so, the third respondent gave a false complaint before the second respondent. Based on the said complaint, the second respondent is harassing the petitioner and compelling the petitioner to settle the entire due and also surrender the machineries.

3.The learned Government Advocate (Crl.side) has submitted that after receipt of the complaint from the third respondent, the second respondent has commenced the enquiry and only for that purpose, the petitioner was called and he was not compelled to settle the entire due and also not compelled to return the machineries.

4.Considering aforesaid submissions, the second respondent is directed to enquire the matter and if the enquiry reveals any cognizable offence, then has to register a case and proceed further in accordance with law. In case the enquiry reveals that it is in civil dispute then he has to direct the parties to approach the appropriate forum. However, the petitioners should not be subjected to unnecessary harassment.

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

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub-Assistant Registrar

To

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

+One cc to M/s.G.Ganesh Kumar, Advocate, SR.No.49759
das
RL/5C/2P/KK/SAR2/21/3/2018

CRL.O.P. (MD) No.2319 of 2018