



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

CORAM

THE HONOURABLE MR. JUSTICE P. RAJAMANICKAM

Cr1.O.P. (MD) No.3164 of 2018

P.Dhanapandi

...Petitioner

-Vs-

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

2. The Inspector of Police,
Alanganallur Police Station,
Madurai District.

3. M.Vadivel @ Singaravadivel

...Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent herein not to harass the petitioner on the basis of the petitioner's representation dated 19.02.2018.

For Petitioner : Mr.S.Sankarapandian

For RR-1 & 2 : Mr.Prabhu Ramachandran
Government Advocate (Cr1.Side)ORDER

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner under the guise of enquiry.

2.The learned counsel appearing for the petitioner has submitted that the third respondent has supplied construction materials to the petitioner and hence, the petitioner herein has issued three cheques in favour of the third respondent. It appears that the third respondent has presented those cheques in the bank for encashment and they were dishonored on the ground that no sufficient funds available in the petitioner's bank account. He further submitted that the third respondent has lodged a complaint before the second respondent instead of filing a private complaint before the Magistrate, under Section 138 of Negotiable Instruments Act, 1881. Based on the said complaint the second respondent is harassing the petitioner.



3.The learned Government Advocate (Crl.side) has submitted that after receipt of the complaint from the third respondent CSR.No.77 of 2018 has been issued and enquiry is still pending.

4.Considering the aforesaid submissions, the second respondent is directed to expedite the enquiry and if the enquiry reveals any cognizable offence, then he has to register a case and proceed further in accordance with law. In case the enquiry reveals only an offence punishable under Sections 138 of Negotiable Instruments Act, then he has to direct the third respondent to file a private complaint before the concerned Judicial Magistrate. Instead of doing so, he should not unnecessarily harass the petitioner.

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

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendant of Police,
Madurai District, Madurai.
2. The Inspector of Police,
Alanganallur Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

das

MV:SKN-RSK:SAR4:03/04/2018/2P/4C

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