



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P. RAJAMANICKAMCr1.O.P.(MD) No.17192 of 2017

Manavalagan

... Petitioner

-Vs-

State rep. by

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

2.The Assistant Commissioner of Police,
Thirupparakundram Circle
Madurai District.

3.The Inspector of Police,
Thirupparakundram Police Station,
Madurai City.

4.K.Loganathan

... Respondents

Prayer: This Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to direct the second respondent not to harass the petitioner and in the event of enquiry.

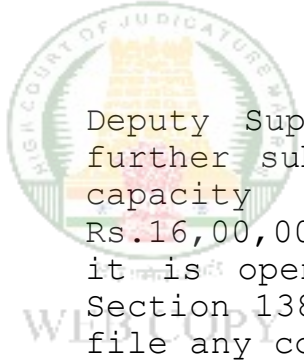
For Petitioner : Mr.S.Vijayakumar

For respondent : Mr.APG.OHM. Chairmaprabhu
Nos.1 to 3 Government Advocate (Cr1. Side)

For R4 : Mr.Ayyanar Prem Kumar
O R D E R

This petition has been filed to direct the second respondent not to harass the petitioner under the guise of enquiry, based upon the complaint given by the fourth respondent.

2. The learned counsel appearing for the petitioner submitted that the fourth respondent has issued a notice on 11.07.2017 for the offence under Section 138 of Negotiable Instruments Act, demanding cheque amount and for that the petitioner has sent a reply on 04.09.2017 stating that the petitioner has issued the said cheque only for security purpose and thereafter, instead of filing complaint under Section 138 of Negotiable Instruments Act, the fourth respondent lodged a complaint before the



Deputy Superintendant of Police, Samayanallur, on 02.10.2017. He further submitted that the second respondent abused his official capacity and compelling the petitioner to pay a sum of Rs.16,00,000/- to the fourth respondent. He further submitted that it is open to the fourth respondent to file a complaint under Section 138 of Negotiable Instruments Act instead of that he cannot file any complaint before the Police. He further submitted that the Police also not having any right to call the petitioner for enquiry, regarding the above said transactions.

3. The learned counsel appearing for the fourth respondent has submitted that the petitioner has committed an offence not only under Section 138 of Negotiable Instruments Act, but also committed some cognizable offences and hence, he requested this Court to direct the petitioner to appear for enquiry.

4. The learned Government Advocate (Crl. Side) appearing for the respondents 1 to 3 adopted the arguments of the learned counsel appearing for the fourth respondent.

5. Considering the above said submissions, the petitioner is directed to appear before the third respondent Police for enquiry and if the enquiry reveals any cognizable offence, then the third respondent has to register a case and proceed further. If the enquiry reveals non cognizable offence, he has to direct the parties to approach the appropriate forum in accordance with law. Further, the second respondent is directed not to harass the petitioner under the guise of enquiry.

6. With the above direction, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Commissioner of Police, Madurai City, Madurai.
 - 2.The Assistant Commissioner of Police, Thirupparakundram Circle, Madurai District.
 - 3.The Inspector of Police, Thirupparakundram Police Station, Madurai City.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +One cc to M/s.S.Vijaya Kumar, Advocate, SR.No.41930
+One cc to M/s.Ayyanar Premkumar, Advocate, SR.No.41899

trp

RL/7C/2P/GT/SAR4/31/1/2018

Crl.OP(MD) No.17192 of 2017