



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL OP (MD) No.17893 of 2017

1.Ayyadurai

2.Rani

... Petitioners

Vs.

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

2.The State rep. By
The Inspector of Police,
District Crime Branch, Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent to discontinue the harassment, torture, humiliation and untold hardship on the petitioners forthwith.

For Petitioners

: Mr.S.Palanivelayutham

For Respondents

: Mr.K.Anbarasan

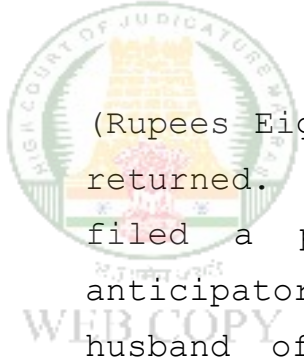
Govt. Advocate

O R D E R

This Criminal Original Petition is filed for issuing a direction to the second respondent not to harass the petitioners.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side) appearing for the respondents.

3.The learned counsel for the petitioners submitted that already one Madhiga has lodged a complaint against the petitioners alleging that the petitioners have received a sum of Rs.8,00,000/-



(Rupees Eight Lakhs Only) and subsequently, the said amount was not returned. He further submitted that the petitioners have already filed a petition in Crl.O.P(MD)No.12343 of 2017 and got an anticipatory bail and subsequently, on the same set of facts, the husband of the said Malliga lodged a complaint. He further submitted that earlier complaint was closed after enquiry and that being so, the second complaint is not maintainable.

4.The learned Government Advocate (Crl.side), on the contrary, submitted that the earlier complaint was not closed and the same is still pending. He further submitted that after getting an anticipatory bail, the petitioners did not appear before the second respondent and they did not co-operate for enquiry and hence, the second complaint has been lodged before the first respondent and the same has been forwarded to the second respondent and he requested to direct the petitioners to appear before the second respondent for enquiry.

5.It is open to the second respondent to issue summons to the petitioners if their presence is necessary for enquiry and if any such summons received, the petitioners should appear before the second respondent and they should co-operate for enquiry and after enquiry, if the second respondent found that any cognizable offence is made out, he can register a case and proceed further in accordance with law. During such enquiry, the petitioners should not be subjected to any harassment.

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

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar



To

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

2.The Inspector of Police,
District Crime Branch,
Tirunelveli,
Tirunelveli District.

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

+1cc to M/S.S.PALANIVELAYUTHAM, Advocate SR.No.40082.

CRL OP (MD) No.17893 of 2017
02.01.2018

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SDS/RSK/SAR 4/18.01.2018/3P/5C