



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD)No.7349 of 2018

Sudhakar, S/o.Thomas Dhanabalan

.. Petitioner

Vs.

1. The Superintendent of Police,
Tuticorin District,
Tuticorin.
2. The Deputy Superintendent of Police,
District Crime Branch,
Tuticorin.
3. The Sub-Inspector of Police,
District Crime Branch,
Tuticorin.
4. Kuttiappan

.. Respondents

Petition is filed under Section 482 of Cr.P.C., seeking a direction to the respondents 2 and 3 not to harass the petitioner by frequently summoning him to appear before the respondents police office under the guise of enquiry, since the matter pertaining to the civil dispute.

For Petitioner	: Mr.A.D.Ganeshamoorthy
For R1 to R3	: Mr.K.Suyambulinga Bharathi
	Government Advocate
	(Criminal side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents 2 and 3 not to harass the petitioner by frequently summoning him to appear before the respondents' police office under the guise of enquiry, since the matter pertaining to the civil dispute.

2.According to the petitioner, he used to fill up fuel to his vehicles in the fourth respondent's fuel centre and settled the



amount weekly once. While things being so, the fourth respondent in order to extract money from the petitioner, made a wrong entry in the Ledger and collected money from him. Subsequently, the said illegal activities were found by the petitioner and when he questioned the same to the fourth respondent, a wordy quarrel arose between the petitioner and fourth respondent. The fourth respondent made a false complaint against the petitioner in order to extract money from him. Pursuant to the complaint made by the fourth respondent, the respondents 2 and 3 are harassing the petitioner under the guise of enquiry. Further, the amount was already settled and the account was closed very much earlier, i.e., on 09.09.2016 itself. Hence, the petitioner has come forward with the present Criminal Original Petition for the relief stated supra.

3.The learned Government Advocate (Criminal side) submitted that the petitioner has not appeared for enquiry before the respondent police and therefore, the said complaint is pending with the respondent police. If the contention of the petitioner that the dispute between him and the fourth respondent is civil in nature, is true, the petitioner can very well place all the facts before the respondents police and thereafter, the respondents police will consider the same in accordance with law. Further, the second respondent never threatened the petitioner to settle the amount to the de-facto complainant.

4.The learned counsel for the petitioner undertakes that the petitioner will appear for enquiry as and when required by the respondents police.

5.In view of the above said submissions, this Criminal Original Petition is disposed of directing the petitioner to appear for enquiry and submit the available materials to the respondents police and thereafter, the respondents police shall consider the same in accordance with law.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

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

2. The Deputy Superintendent of Police,
District Crime Branch,
Tuticorin.



3. The Sub-Inspector of Police,
District Crime Branch,
Tuticorin.

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

+ 1 CC TO Mr.A.D.GANESHA MOORTHY, ADVOCATE IN SR No. 67713

SMN2

TE/JC/SAR-1 : 25/06/2018 : 3P/6C

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