



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.(MD)No.17846 of 2018

WEB COPY

Durgailingam

: Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District.

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

3.S.Barathan

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent not to harass the petitioner and his family members in the guise of petition enquiry.

For Petitioner

: Mr.M.M.Manivelpandian

For Respondents

: Mr.M.Chandrasekaran

1 AND 2

Additional Public Prosecutor

ORDER

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

2.The learned counsel appearing for the petitioner would submit that earlier the third respondent had preferred a complaint before the Inspector of Police, Sattur Police Station. The petitioner did not repay the amount received from the defacto complainant. The petitioner filed a petition in Crl.O.P.(MD)No.15943 of 2017 before this Court and this Court directed the concerned Police to complete the enquiry within a period of two weeks. Thereafter, the petitioner appeared before the concerned Police on three occasions and the complaint was also closed.

3.Presently, the third respondent preferred another complaint before the Superintendent of Police, which has been registered by the second respondent. This complaint also contained very same allegations, which were mentioned in the previous complaint. Therefore, the petitioner was again made to face the enquiry.

4.The learned Additional Public Prosecutor would submit that the petitioner had promised to repay the amount, but, the same was not repaid by the petitioner. Therefore, the respondent Police had



enquired the petitioner.

5.The respondent Police cannot keep the case at the stage of petition enquiry. More particularly, in view of the fact that on an earlier occasion, the petitioner was called and enquired. While the respondent Police receive a complaint, they should act in terms of the decision of the Hon'ble Supreme Court in Lalitha Kumari Vs. Government of Uttar Pradesh reported in 2013 (6) CTC 353.

6.The respondent Police is directed to conduct enquiry and if any cognizable offence is made out, file an FIR. During the course of enquiry, the respondent Police shall not harass the petitioner.

7.With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1.The Superintendent of Police,
Thoothukudi District.

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

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

• 1 CC TO Mr.M.M.Manivel pandian, ADVOCATE IN SR No. 89775.

GNS

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Cr1.O.P.(MD)No.17846 of 2018

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