



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2018

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE R.THARANI**

Cr1.O.P(MD)No.10967 of 2018

1. S.P.Venkatesh

2. Rajangam

... Petitioners

Vs.

The Superintendent of Police,  
Economic Offence Wing,  
CBI, Chennai.

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent not to harass the petitioners under the guise of enquiry and also pass appropriate orders.

For Petitioners : Mr.R.Niresh Kumar

For Respondent : Mr.N.Nagendran

Special Public Prosecutor for CBI Cases

### **O R D E R**

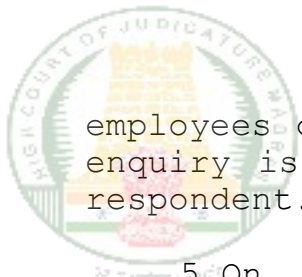
This Criminal Original Petition is filed for a direction to the respondent not to harass the petitioners under the guise of enquiry.

2. On the side of the petitioners, it is stated that some people in Virudhunagar District have obtained loan from Lakshmi Vilas Bank, Madurai by showing stock in trade as security. After sanctioning the amount, the Bank came to know that instead of Urad Dhal and Masoor Dhal, the borrowers have stored bags of husk and have defrauded the Bank to the tune of Rs.70 Crores. It is further stated that the petitioners are neither borrowers nor guarantor and they are no way connected with the above transaction but, the petitioners are harassed by the respondent as they are called for enquiry without any summons, during odd hours.

3. On the side of the petitioners, it is stated that the order passed by this Court in Cr1.O.P.No.27191 of 2017, dated 11.12.2017 is cited wherein this Court has come to the conclusion that while summoning any persons named in the complaint or any witness to the incident complained of, the police officer shall summon such persons through a written summon under Section 160 Cr.P.C., specifying a particular date and time for appearing before them for such an enquiry/investigation.

<https://hcservices.ecourts.gov.in/hcservices/>

4. On the side of the respondent, it is stated that fraud is committed to the tune of Rs.70 Crores, that the petitioners are



employees of the accused and that to verify the stock and registers enquiry is being conducted, and that they are not harassed by the respondent.

5. On the side of the petitioners, it is stated that the respondent used to take the petitioners in the Department vehicle and used to retain the petitioner from morning to evening.

6. On the side of the respondent, it is stated that the petitioner being the employee of the accused, who handled the registers, they are needed for investigation regarding registers.

7. Records perused.

8. The offence committed is regarding the stock in the warehouse of the accused. The petitioners never denied that they are the employees of the accused. The petitioners are having access to the registers and it is the duty of everyone to co-operate with the investigation. Issuing summon for an enquiry, cannot be an harassment.

9. In such circumstances, it is the duty of the petitioners to co-operate for investigation, at the same time, the first respondent has to give proper summons.

10. The first respondent is directed to issue summons whenever the first respondent calls the petitioners to the station or anywhere else except their working place. This Criminal Original Petition is dismissed with the above directions.

Sd/-

Assistant Registrar(CS-I))

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,  
Economic Offence Wing,  
CBI, Chennai.

2. The Special Public Prosecutor (CBI Cases),  
Madurai Bench of Madras High Court,  
Madurai.

+ 1 CC TO Mr.R.NIRESH KUMAR, ADVOCATE IN SR No.71335

LS

RJ/SU/SAR-4 : 12/07/2018 : 3P/4C