



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2019

CORAM:

THE HONOURABLE **MR. JUSTICE N. SESHASAYEE**
Crl.O.P.(MD)No.2275 of 2019

WEB COPY

P.Pandi ... Petitioner
/Vs./

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

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

3.Kajamaitheen ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to direct the 2nd respondent herein not to harass the petitioner in the name of enquiry in the matter of civil in nature and without due process of law.

For Petitioner : Mr.P.Venkatesan
For R-1 & R-2 : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent herein not to harass the petitioner in the name of enquiry in the matter of civil in nature and without due process of law.

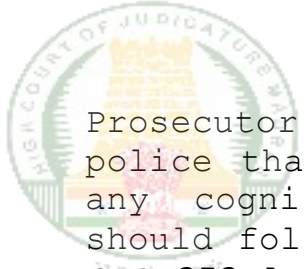
2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

3. The learned counsel appearing for the petitioner submitted that based on the complaint given by the third respondent, the second respondent police is harassing the petitioner.

4. The learned Additional Public Prosecutor submitted that the third respondent has preferred a complaint wherein he accuses that the petitioner has cheated him of the money he had advanced to the latter. The respondent police have neither harassed the petitioner nor intended to harass him.

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

5. The said statement of the learned Additional Public



Prosecutor is recorded. This Court now directs the respondent police that if the complaint discloses *prima facie* commission of any cognizable offence, necessarily the investigating Agency should follow the principles in the judgment reported in **2013 (6) CTC 353 [Lalitha Kumari Vs. Government of Uttar Pradesh]** case. If on the other hand the second respondent considers that it is necessary to hold any preliminary enquiry / interrogation, the same shall be done only on summons under Section 41 A Cr.P.C., mentioning a specific date and time for enquiry and also giving reasonable time for him to travel to the venue of such enquiry. The petitioner is also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioner.

6. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

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

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

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

+1 CC to M/s.P.VENKATESAN, Advocate(SR-58942[F] dated
04/04/2019)

sm

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KM/ (06.05.2019) 2P 5C