



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. N.SESHASAYEE

Cr1.O.P.[MD].No.3780 of 2019

S.Suresh Kannan

: Petitioner

/Vs./

1.The Superintendent of Police,
Surveyor Colony, Madurai - 625007.

2.The Inspector of Police,
Annanagar Police Station,
Madurai District.

3.P.Selvakumar

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to refrain from harassing the petitioner under the guise of an enquiry on a settled matter.

For Petitioner : Mr.N.Anandhi

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

ORDER

This criminal original petition is filed to direct the respondent police to refrain from harassing the petitioner under the guise of enquiry on a settled matter.

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

3. The learned counsel appearing for the petitioner submitted that on the basis of the complaint given by the third respondent, the respondent police are harassing him.

4. The learned Additional Public Prosecutor submitted that there is a complaint, accusing the petitioner of refusing to pay certain sum which the petitioner owes the third respondent, which is pending enquiry. He added that a part of the amount is paid and the respondent police have neither harassed the petitioner nor intended to harass him. The said submission of the learned Additional Public Prosecutor is recorded.



5. This Court wonders what is the role of the police for settling this sort of dispute. However since the complaint is not before this Court, this Court instructs the second respondent not to venture into the enquiry, unless the complaint *prima facie* discloses a possible commission of crime.

6. If at all the presence of the petitioner is required by the respondent police for any preliminary enquiry, the same shall be done by issuing fresh summons under Section 41 A Cr.P.C., mentioning a specific date and time for enquiry. The petitioner is also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioner.

7. With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Surveyor Colony, Madurai - 625007.
2. The Inspector of Police,
Annanagar Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SP/PK/03.04.2019 : 2P/4C