



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.3.2019

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WEB COPY

THE HON'BLE **MR. JUSTICE N. SESHASAYEE**

Crl.O.P. (MD) No. 4241 of 2019

M.Thiagarajan ... Petitioner
-Vs-

1.The Commissioner of Police, Madurai.

2.The Assistant Commissioner of Police,
Thiruparamkundram Range,
Madurai Town, Madurai District.

3.RM.Selvam ... Respondents

Prayer: Criminal Original petition - filed under Section 482 of Code of Criminal Procedure, to direct the 2nd respondent police and his personnel not to harass the petitioners in the guise of criminal complaint in a commercial transaction with the company under liquidation represented by official Liquidator, involving civil dispute.

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

O R D E R

This Criminal Original petition has been filed to direct the 2nd respondent police and his personnel not to harass the petitioners in the guise of criminal complaint in a commercial transaction with the company under liquidation represented by official Liquidator, involving civil dispute.

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

3. The learned counsel appearing for the petitioner submitted that the petitioner was a Director of a certain company and that under liquidation, the company was inducted to the third respondent. The date itself was time barred as it was over 10 years old.

4. The learned Additional Public Prosecutor submitted that the complaint is received from the third respondent and it is being enquired. He also stated that the summons have been issued to the petitioner. But he did not appear. Instead, he sent his reply to the summons. He also added that there is no harassment.



5. Unless the complaint discloses the commission of any offence by the petitioner and if the second respondent intends to hold any preliminary enquiry on the complaint provided if he is not adequately satisfied with the reply already given by the petitioner, 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. In the eventuality receiving the summons, the petitioner is required to appear and provide all the material particulars to the second respondent. During such enquiry / interrogation, the petitioner shall not be harassed.

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

Sd/-

Assistant Registrar (T AND P)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Commissioner of Police, Madurai.

2.The Assistant Commissioner of Police,
Thiruparamkundram Range,
Madurai Town, Madurai District.

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

+1 CC to M/s.V.JANAKIRAMULU, Advocate
(SR-56237[F] dated 25/03/2019)

Crl.O.P.(MD)No.4241 of 2019

21.03.2019

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KK/SAR/05.04.2019/ 2P- 5C