



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Cr1.O.P. (MD)No.4427 of 2019

Asvinkumar

... Petitioner

/Vs./

1.State represented by
The Inspector of Police,
Annanagar Police Station (Crime),
Madurai.

2.R.Solaimurugan

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the 1st respondent not to harass the petitioner in the guise of an enquiry on the basis of the complaint given by the 2nd respondent.

For Petitioner : Mr.K.Neethimohan

For R-1 : Mr.V.Neelkandan
Additional Public Prosecutor

ORDER

The petitioner seeks protection from the harassment of the first respondent presumably on the basis of the complaint given by the second respondent.

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 the second respondent was a former Manager of a certain Restaurant in the city and the petitioner is also working there. The petitioner has been accused of misappropriating the amount handed over to him for paying GST.

4. The learned Additional Public Prosecutor submitted that as per the complaint, the petitioner is alleged to have fabricated documents to siphon off GST to the tune of Rs.4.5 lakhs and the matter is being enquired in C.S.R.No.68 of 2019. The respondent police has neither harassed the petitioner nor intended to harass



him. The said statement of the learned Additional Public Prosecutor is recorded.

5. 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 first 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 (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Inspector of Police,
Annanagar Police Station (Crime),
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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SM

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