



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2019

CORAM:

THE HONOURABLE **MR. JUSTICE N. SESHASAYEE**

Crl.O.P. (MD) No.4827 of 2019

Muthukumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Valliyur Police Station,
Tirunelveli District.

3.Michael Maldo

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to direct the 2nd respondent police herein not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.J.Jeyakumaran

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

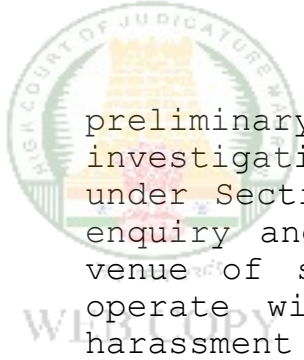
ORDER

The petitioner faces harassment at the hands of the second respondent presumably at the instance of the third respondent.

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

3. The learned Additional Public Prosecutor submitted that the third respondent has preferred a complaint to the extent that the petitioner has cheated him of his amount Rupees 20 lakhs and he also added that the preliminary enquiry was held by the second respondent on 25.10.2018 and the petitioner had agreed to repay the said amount. He added that the respondent police have neither harassed the petitioner nor intended to harass him.

4. The Statement of the learned Additional Public Prosecutor is recorded. If the complaint *prima facie* discloses the 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]**. If however a



preliminary enquiry is sought to be conducted, then the investigating agency hold such enquiry by summoning the parties 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.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police,
Tirunelveli, Tirunelveli District.
2. The Inspector of Police,
Valliyur Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s. J. JEYAKUMARAN, Advocate in SR-58308

Cr1.O.P. (MD) No. 4827 of 2019
01.04.2019

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PK/02.05.2019 : 2P/5C