



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

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

Cr1.O.P.(MD)No.4973 of 2019

A.Anburaj

... Petitioner

/Vs./

State represented by

1.The Superintendent of Police,
O/o. Superintendent of Police,
Madurai District.

2.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Samayanallur, Madurai District.

3.The Inspector of Police,
Samayanallur Police Station,
Dindigul District.

4.Sathish Kumar

5.Meenakshi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to direct the respondent no.3 and their officials not to harass the petitioner unnecessarily against law under the guise of enquiry.

For Petitioner

: Mr.J.Prabhu

For R-1 to R-3

: Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

The petitioner faces harassment at the hands of the third respondent presumably on the complaint given by the respondents 4 and 5.

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

3. The learned Additional Public Prosecutor submitted that the private respondents have preferred a complaint accusing the petitioner of cheating their money on promising to secure a job. The third respondent police has neither harassed the petitioner nor intended to harass him. The said statement of the learned Additional Public Prosecutor is recorded.



4. 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 third 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.

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

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

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To

1.The Superintendent of Police,
O/o. Superintendent of Police, Madurai District.

2.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Samayanallur, Madurai District.

3.The Inspector of Police,
Samayanallur Police Station, Dindigul District.

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

+1 CC to M/s.J.PRABHU, Advocate (SR-58827[F] dated 04/04/2019)

CrI.O.P. (MD)No.4973 of 2019
03.04.2019

ES/SP/29.04.2019/2P/6C