



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2019

CORAM:

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

Cr1.O.P. (MD) No. 5091 of 2019

P.Thonthpandi @ Pandi

... Petitioner

/Vs./

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.

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

3.Thangamariappan

... Respondents

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

For Petitioner : Mr.B.Sukumar

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

ORDER

The third respondent is the supplier of some steel plates to the petitioner and there is some controversy over the merchantable quality of the products supplied by the third respondent. In the meantime, on the complaint preferred by the third respondent, the second respondent is harassing him.

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, which is being enquired in C.S.R.No.136 of 2019. The respondent police have 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]**. If on the other hand the second 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 (CS-II)

/ True Copy /

Sub Assistant Registrar(CS)

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To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.
- 2.The Inspector of Police,
Jaihindupuram Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.SUKUMAR, Advocate (SR-59343[F] dated 05/04/2019)

Crl.O.P.(MD)No.5091 of 2019
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ES/SP/29.04.2019/2P/5C