



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2019**

CORAM:

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

Cr1.O.P.[MD]No.5789 of 2019

D.Poyyali

: Petitioner

/Vs./

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

2.The Sub Inspector of Police,  
Eppodumvendran Police Station,  
Thoothukudi District.

3.Saron Fuel Company  
Represented by its Manager

: Respondents

**PRAYER** : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent not to harass the petitioner on the guise of enquiry and except by following due process of law.

For Petitioner : Mr.C.Jeganathan  
for M/s.Veera Associates

For R1 and R2 : Mr.V.Neelakandan  
Additional Public Prosecutor

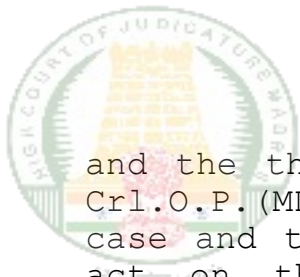
### **ORDER**

The petitioner complains that the third respondent, licensee of a Petrol Bunk, shows insatiable appetite to prefer repeated complaints against the petitioner claiming certain dues which he alleges that the petitioner owes him. Dispute is over non payment of value of fuel which the third petitioner claims to have supplied to the petitioner.

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 first complaint was preferred before the District Crime Branch, Thoothukudi, and it came to be closed.

The second complaint was preferred before the second respondent



and the third respondent filed a petition before this Court in CrI.O.P.(MD)No.9620 of 2018 seeking a direction to register the case and this Court has given a direction to the police not to act on the complaint unless the same discloses cognizable offence. Now, on the complaint given to the second respondent, he is harassing the petitioner and insists to sign in some blank papers.

4. The learned Additional Public Prosecutor submitted that the complaint given by the petitioner is pending and there is no harassment at any stage.

5. The statement of the learned Additional Public Prosecutor is recorded. 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 the case of **Lalitha Kumari Vs. Government of Uttar Pradesh** [2013 (6) CTC 353]. 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 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 ()

// True Copy //

Sub Assistant Registrar(CS)

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To

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

2.The Sub Inspector of Police,  
Eppodumvendran Police Station,  
Thoothukudi District.



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

+1cc to m/s veera associates, Sr. No 62962.

**Crl.O.P.[MD]No.5789 of 2019**  
**25.04.2019**

Bp (co)  
CS: (30/05/2019) 3p 5c