



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.5846 of 2019

WEB COPY

P.M.A.Saleema

... Petitioner

/Vs./

1.The State represented by

The District Superintendent of Police,
O/o. The District Superintendent of Police,
Tuticorin District.

2.The Inspector of Police, District Crime Branch,

O/o. Superintendent of Police,
Tuticorin District.

3.V.Mohan, S/o.R.Velumani,

Branch Head, Tamil Nadu Mercantile Bank Ltd.,
Thoothukudi, SME Branch,
48D and C Bryant Nagar,
Seventh Street Middle,
Thoothukudi - 628008.

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the respondents 1 and 2 not to harass the petitioner.

For Petitioner : Mr.V.Anthony Elangovan

For R-1 & R-2 : Mr.V.Neelkandan

Additional Public Prosecutor

ORDER

This petition is filed to direct the respondents 1 and 2 not to harass the petitioner.

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, Branch Manager of the Tamil Nadu Mercantile Bank Ltd., SME Branch, Thoothukudi, has preferred a complaint, in which he has alleged that the petitioner has secured a loan without disclosing the prior mortgage and the enquiry in the matter is pending. He added that the respondent police has not harassed the petitioner and he has no intention to harass him.



4. *Prima facie* this Court finds that the dispute is one involving civil in nature. Therefore, 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 her 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. With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar(CS)

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To

- 1.The District Superintendent of Police,
O/o. The District Superintendent of Police,
Tuticorin District.
 - 2.The Inspector of Police, District Crime Branch,
O/o. Superintendent of Police,
Tuticorin District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.V.ANTHONY ELANGO VAN, Advocate
(SR-61751[F] dated 23/04/2019)

Order made in
Cr1.O.P.(MD)No.5846 of 2019

Dated:
23.04.2019

ES/30.04.2019/2P/5C