



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEECr1.O.P. [MD] No. 5937 of 2019

N. Murugesan

: Petitioner

/Vs./

1. The Inspector of Police,
Sattur Police Station,
Peraiyur Taluk, Madurai District.

2. The Superintendent of Police,
Madurai Superintendent of Police Office,
Madurai District.

: Respondents

3. Soundararajan

: Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the Respondent Police not to harass the petitioner in the guise of enquiry based on the complaint given by the third respondent.

For Petitioner : Mr. V. Om Prakash

For R-1 and R-2 : Mr. V. Neelakandan

Additional Public Prosecutor

ORDER

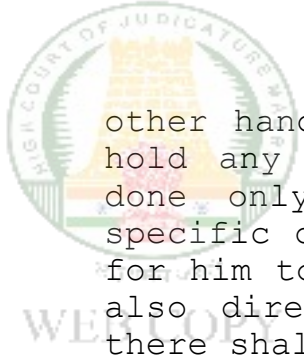
The petitioner complains of harassment at the hands of the first respondent presumably at the instance of the third respondent.

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

3. The learned Additional Public Prosecutor submitted that on a promise of securing a job in the Airport, the petitioner is alleged to have cheated the third respondent to the tune of Rs. 3,00,000/- and the third respondent has given a complaint which is being enquired into. The respondent police have not harassed the petitioner nor intended to harass him.

4. The said statement of the learned Additional Public Prosecutor is recorded.

5. 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 first 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 (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

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To

- 1.The Inspector of Police,
Sattur Police Station,
Peraiyur Taluk, Madurai District.
- 2.The Superintendent of Police,
Madurai Superintendent of Police Office,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.V.OM PRAKASH, Advocate Sr. No. 62377

Crl.O.P.[MD]No.5937 of 2019
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DB (CO)

TR (31.05.2019) 2P 5C