



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.5940 of 2019

1.V.P.Karthick Kumar

2.Karthiyalini

... Petitioners

/Vs./

1.State represented through
The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Anna Nagar Police Station (Crime),
Anna Nagar, Madurai District.

3.R.Ravichandran

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the respondent no.2 not to harass the petitioners in the guise of enquiry.

For Petitioners : Mr.R.Karunanidhi

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

Additional Public Prosecutor

ORDER

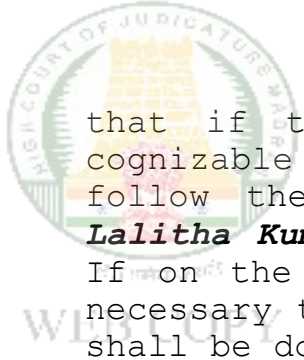
The petitioners complain that they faces harassment at the hands of the second respondent on a complaint preferred by the third respondent.

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

3. The learned counsel appearing for the petitioners submitted that the petitioners have supplied Play-School materials to the third respondent across payment by the latter to the former, that after taking possession of the materials so supplied, the third respondent now began to demand the money he has paid.

4. The learned Additional Public Prosecutor submitted that a complaint of the third respondent has been received by the second respondent and it is being enquired into. The respondent police have neither harassed the petitioners nor intended to harass them.

5. The said 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 them to travel to the venue of such enquiry. The petitioners are also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioners.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Inspector of Police,
Anna Nagar Police Station (Crime),
Anna Nagar, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.R.Karunanidhi, Advocate, SR.No.63551

CrI.O.P.(MD)No.5940 of 2019

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KK/SAR/13.05.2019/ 2P- 5C