



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2019

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.6346 of 2019

Agustus

... Petitioner

/Vs./

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

2.The State represented by
The Inspector of Police,
S.S.Colony Police Station,
Madurai.

3.Rev.Thasayyan

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the 1st and 2nd respondent herein not to harass the petitioner under the guise of enquiry without following the procedure established by law.

For Petitioner : Mr.S.Balakarthick

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

Additional Public Prosecutor

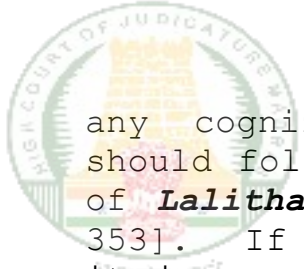
ORDER

This petition is filed to direct the 1st and 2nd respondent herein not to harass the petitioner under the guise of enquiry without following the procedure established by law.

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

3. The learned Additional Public Prosecutor submitted that a complaint given by the third respondent discloses that the petitioner has misappropriated some substantial sum and the complaint given by the third respondent is pending enquiry. The respondent police have neither harassed the petitioner nor intended to harass him.

4. 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 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)

To

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

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai.

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

SM

Crl.O.P. (MD) No.6346 of 2019

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