



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P (MD) No.13217 of 2020

Sakthi@Sakthiyenthiran

:Petitioner

Vs

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

2.The Inspector of Police,
Crime Branch,
North Police Station,
Sivagangai District.

:Respondent Nos.1 & 2

3.Arockiya Levin

:Respondent No.3/Defacto
Complainant

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, directing the 2nd respondent not to harass the petitioner in the guise of enquiry.

For Petitioner : Mr.V.Karuna

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

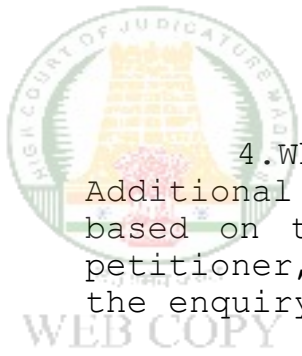
For R3 : Mr.Muthu Saravanan

O R D E R

This petition has been filed to direct the 2nd respondent not to harass the petitioner in the guise of enquiry.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Criminal Side) for the official respondents and the learned counsel for the defacto complainant.

3.The learned counsel for the petitioner would submit that the petitioner borrowed a sum of Rs.10,00,000/- at 5% interest from the defacto complainant. At that time, he gave 5 cheques and promissory note to the defacto complainant. The grievance of the petitioner is that even after repayment of the full amount with interest, the 3rd respondent/defacto complainant had not returned the documents given by the petitioner. Thereafter, the defacto complainant has given complaint before the second respondent, based on which, the second respondent threatening the petitioner by insisting to repay the amount. Hence, this petition.



4. When the petition is taken up for hearing, the learned Additional Public Prosecutor, on instructions, would submit that, based on the complaint given by the third respondent against the petitioner, CSR No.618 of 2020 has been assigned on 09.11.2020 and the enquiry is pending.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 & 2.

6. Whatever might be the circumstances, the respondent police shall investigate into the matter in accordance with law and the mandates as found set out in **D.K.Basu Vs.State of West Bengal reported in AIR (1997) SC 610**. If really, the police want to interrogate, it is open for the police to issue summons to the petitioner. Thereupon, the petitioner shall appear before the police and submit himself for interrogation.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Vrn

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
Crime Branch,
North Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.13217 of 2020

23.11.2020