



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.11.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

CrI.O.P. (MD)No.13025 of 2020

P.Saravanan

... Petitioner

Vs.

1.State Rep.by

The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.

2.The Inspector of Police (Crime)

Sellur Police Station,
Sellur,
Madurai.

3.Viji

4.Revathi

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 and 2 not to interfere with said civil dispute and not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.S.Krishnan

For Respondents 1 & 2 : Mr.V.Neelakandan,
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents 1 and 2 not to interfere with said civil dispute and not to harass the petitioner under the guise of enquiry.

2.The petitioner would state that he ran Deepavali chit in the name and style of 'PS Viswa Naresh'. The petitioner has incurred huge loss in the said business. In order to meet out the loss, he got loan from private financiers. But some of the persons demanding exorbitant interest. In the said situation the petitioner has filed an insolvency petition to declare himself as insolvent in I.P.No.30 of 2020 and the same is pending. Even after the said petition one Thirupathi, who is working as Police Constable continuously insisted the petitioner to given exorbitant interest and demanded him to execute pro-note. Hence, the petitioner gave complaint against said Thirupathi, but no action was taken against him. Under the instigation of Thirupathi, the respondents 3 and 4 gave complaint dated 03.11.2020 before the second respondent police, against the petitioner. Hence, the petitioner sent a detailed



representation dated 05.11.2020 to the respondents 1 and 2 not to harass the petitioner under the guise of enquiry. Hence, he approaches this Court.

3. When the petition is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would submit that there is an enquiry pending against the petitioner.

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

5. Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the respondents to follow the principles laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610*** while enquiring the petitioner.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.
2. The Inspector of Police (Crime)
Sellur Police Station, Sellur, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.[MD]No.13025 of 2020
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CK(CO)
TR(30.11.2020) 2P 4C