



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD) No.14233 of 2020

A.Muthuramalingam

... Petitioner

Vs.

1.The Commissioner of Police
Madurai City,Madurai.

2.The Deputy Superintendant of Police
Tallakulam,Madurai City.

3.The Inspector of Police
K.Pudur Police Station,Madurai.

4.P.Manikandan

5.M.Eswari

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondents 1 to 3 not to harass the petitioner without due process of law based on the complaint given by the petitioner dated 24.11.2020.

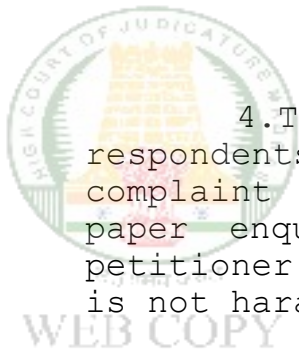
For Petitioner	:	Mr.H.Velavadhas
For R1 to R3	:	Mr.V.Neelakandan, Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the respondents 1 to 3 not to harass the petitioner without due process of law based on the complaint given by the petitioner dated 24.11.2020.

2.Considering the present times, notice to the respondents 4 and 5 are dispensed with.

3.According to the petitioner, on 30.12.2017, the fourth respondent has received a sum of Rs.11,00,000/- towards loan from the petitioner, to settle the earlier loan received from his relatives. In spite of repeated demands, he has not repaid the said amount. Therefore, the petitioner has filed a suit for recovery of money in O.S.No.233 of 2020 on the file of the District Judge, Madurai, on 28.10.2020, which is pending. He would further submit that after receipt of suit notice, the fourth respondent has preferred a false complaint dated 18.11.2020 before the second respondent. The grievance of the petitioner is that respondent police unnecessarily harassed the petitioner under the guise of enquiry.



4.The learned Additional Public Prosecutor appearing for the respondents 1 to 3, on instructions, would submit that based on the complaint dated 18.11.2020 given by the fourth respondent current paper enquiry is pending. He would further submit that the petitioner was called for an enquiry only and the respondent police is not harassing the petitioner.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

6.Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the respondents 1 and 2 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 and keep in mind that the civil suit in O.S.No.233 of 2020 is pending.

Sd/-

Assistant Registrar (CS-II)

// 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
Madurai City,Madurai.
- 2.The Deputy Superintendant of Police
Tallakulam,Madurai City.
- 3.The Inspector of Police
K.Pudur Police Station,Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.14233 of 2020
08.12.2020

SSS (CO)

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