



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.14252 of 2020

Sri Pugalindhra

... Petitioner

Vs.

1.The Commissioner of Police
Madurai City.

2.The Inspector of Police
Koodal Puthur Police Station,
Madurai District.

3.The Sub Inspector of Police
Koodal Puthur Police Station,
Madurai District.

4.K.Kasinathan

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondents 2 and 3 herein not to harass the petitioner in the guise of enquiry without due process of law.

For Petitioner : Mr.S.Ramasamy

For R1 to R3 : Mr.V.Neelakandan,

Additional Public Prosecutor.

O R D E R

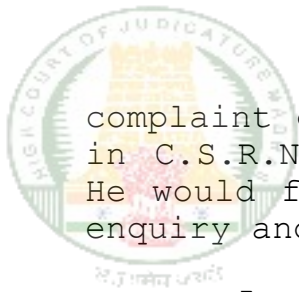
This Criminal Original Petition has been filed to direct the respondents 2 and 3 herein not to harass the petitioner in the guise of enquiry without due process of law.

2.Considering the present times, notice to the fourth respondent is dispensed with.

3.According to the petitioner, the petitioner and the fourth respondent became friends and the fourth respondent has demanded money from the petitioner for development of his business. The petitioner gave a sum of Rs.3,00,000/- on 12.02.2020 and to that effect the fourth respondent has executed a promissory note in favour of the petitioner. In spite of repeated demands the fourth respondent has not repaid the amount. In order to evade from paying the amount, the fourth respondent has given a false complaint on 29.11.2020 stating that the petitioner borrowed a sum of Rs.6,00,000/- from him and moreover the transaction is purely civil in nature based on promissory note. 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

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complaint given by the fourth respondent enquiry has been conducted in C.S.R.No.570 of 2020 dated 30.11.2020 and the same is pending. He would further submit that the petitioner was only called for an enquiry 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 to 3 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 the petitioner shall co-operate with the respondent police during the enquiry.

Sd/-

Assistant Registrar (CS I)

// 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.
- 2.The Inspector of Police
Koodal Puthur Police Station,
Madurai District.
- 3.The Sub Inspector of Police
Koodal Puthur Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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