



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.12.2020
CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

Crl.O.P.(MD)No.15143 of 2020

1.C.Gobi
2.G.Annadurai

Petitioners/Accused

vs.

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

2.The Assistant Commissioner of Police,
District Crime Branch,
Trichy.

Respondents 1 & 2/
Complainants

3.R.Sundar

3rd Respondent/ Defacto
Complainant

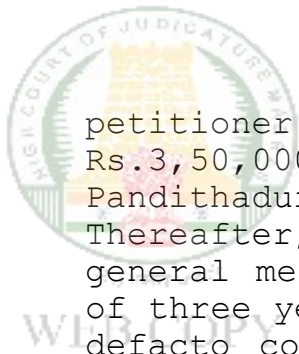
PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to harass the petitioners under the guise of enquiry without following the due process of law.

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

ORDER

This petition has been filed to direct the 2nd respondent not to harass the petitioners under the guise of enquiry without following the due process of law.

2.The learned counsel for the petitioners would state that the 1st petitioner is working as a contract labour in TNEB and one Pandithadurai who is working as a line manager in TNEB at Trichy Division, approached him claiming himself to be the General Secretary of Electricity Board Amma Contractors and Associates Welfare Association, Karumandapam, Trichy, and having contact with senior officials, he assured of making the 1st petitioner's job permanent in the electricity department and believing the words of the said Pandithadurai, the 1st petitioner and 42 co-labours gave Rs.10 lakhs each for getting their job permanent in TNEB. Many persons gave the amount in cash and some transferred money to the bank account No.1250101025197, Canara Bank, Anna Nagar Branch, Trichy. According to the petitioners, they are relatives residing in different places and the 2nd petitioner and defacto complainant are friends. On hearing the above transactions, the defacto complainant requested the 2nd petitioner to introduce the 1st



petitioner and he did so. Later on, the defacto complainant gave Rs.3,50,000/- to the 1st petitioner to give it to the said Pandithadurai for the purpose of making his job permanent in TNEB. Thereafter, the said Pandithadurai called all the labours for a general meeting via letters in different days. Even after a lapse of three years therefrom, no action was taken to make the job of the defacto complainant permanent. Therefore, the defacto complainant demanded return of money from the 1st petitioner who in turn approached Pandithadurai for return of money, but he replied stating that he had handed over the money to the higher officials of TNEB. Thereafter, the 1st petitioner and few co-labours gave a complaint against Pandithadurai in Villupuram and Kanchipuram districts and FIR has been registered in Crime No.622/2018. The defacto complainant gave a complaint against the petitioners before the 2nd respondent/police and in the meanwhile, the said Pandithadurai got anticipatory bail. The defacto complainant threatened the 1st petitioner to return the money and the 1st petitioner replied stating that he is not responsible for the defacto complainant's money and informed that the defacto complainant has to deal with Pandithadurai regarding return of money as he had already given money to the said Pandithadurai as requested by the defacto complainant. Since the petitioners are facing harassment in the hands of the 2nd respondent/police under the guise of enquiry on the complaint of the 3rd respondent, they are before this court for a direction not to harass them.

3.The learned Additional Public Prosecutor would state that based on the complaint given by the 3rd respondent, enquiry was conducted on 21.09.2019 and during the enquiry, the petitioners agreed to repay the amount received from the 3rd respondent and accordingly, the complaint was closed. Since the amount was not returned to the 3rd respondent as agreed by the petitioners, enquiry was again conducted on 22.10.2019. During the enquiry, the petitioners have paid Rs.50,000/- and gave assurance to repay the balance amount of Rs.10,35,000/- on 15.11.2019 and the petitioners also agreed for the above terms and accordingly, the complaint was closed.

4.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor. Since no adverse order is going to be passed against the 3rd respondent, notice to him is not necessary.

5.Considering the submissions made by the learned Additional Public Prosecutor and the facts and circumstances of the case, if at all the petitioners are required for any enquiry by the respondents/police, it shall be done by following guidelines of the guidelines laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610.***



6.The Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar (CSIII)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

bala/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 Commissioner of Police,
Trichy City,
Trichy.
- 2.The Assistant Commissioner of Police,
District Crime Branch,
Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.15143 of 2020

DATED : 21.12.2020

MK (CO)

KB(07.01.2021) 3P 4C