

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.10267 of 2021
in W.M.P.No.10864 of 2021

E.Sivakumar

.. Petitioner

Versus

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Tiruppur,
Tiruppur District.

2.The Inspector of Police,
Udumalaipettai Police Station,
Udumalaipettai, Tiruppur,
Tiruppur District.

3.The Inspector of Police,
All Women Police Station,
Udumalaipettai,
Tiruppur District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, to direct the 1st, 2nd and 3rd respondents herein to consider the representation dated 01.04.2021 and not to harass the petitioner on the guise of enquiry and to take appropriate action on the same.

For Petitioner : Mr.S.Madhusudanan

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This Petition has been filed seeking for direction to the respondents not to harass the petitioner under the guise of an enquiry.

2. It is averred that the petitioner is partnership with Babu Magarajan and Manju Bargavi, was doing business in sale of Drip Irrigation equipments and thereafter, got separated, continued the business with Kanagaraj and later, this partnership was also dissolved. Thereafter, the petitioner is continuing his business in the name of Pasumai Agencies on his

own. The petitioner became friendly with one Sangeetha, who came in contract through a wrong call. The said Sangeetha proposed a love affair, the petitioner believed the same and from the petitioner, Sangeetha received money totaling of lakhs on various occasions. Later, the petitioner came to know that the said Sangeetha has already married and having two children. The petitioner thereafter, avoided the said Sangeetha. Now, Sangeetha is making false allegations against the petitioner that he promised to marry her and received money from her. The said Sangeetha is making such false complaints at the behest of the petitioner's erstwhile partners, from whom, the petitioner got separated. A false complaint was lodged by Sangeetha to the third respondent against the petitioner and thereafter, the petitioner appeared and gave his explanation. Now, the third respondent is harassing the petitioner under the guise of enquiry to settle huge sum to Sangeetha. When the petitioner sought for proof and refused to pay, the third respondent is threatening to arrest, publishing the same in newspaper and in media, tarnishing the image of the petitioner. The petitioner has sent representation to the first and second respondents on 29.03.2021 and 01.04.2021, respectively. Since no action has been taken and on the other hand harassment continues, the petitioner has come before this Court by way of this writ petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

4. Taking into consideration the fact that the nature of the dispute involved in this case, it is seen that on a motivated complaint, the third respondent is constantly calling the petitioner in the guise of enquiry and harassing him. It is for the parties to redress the same before the appropriate forum and the respondents police will have no role to play in a case of this nature.

5. In such view of the matter, this Court directs the respondents police not to interfere with such dispute and it is open for the parties to agitate their rights before the competent forum. The respondents, if found any materials, they shall proceed with investigation as per law. The respondents, not to harass the petitioner on the pretext of enquiry.

With the above direction, this writ petition is disposed of. No costs. Connected W.M.P. is closed.

mbi

-s/d-

Assistant Registrar

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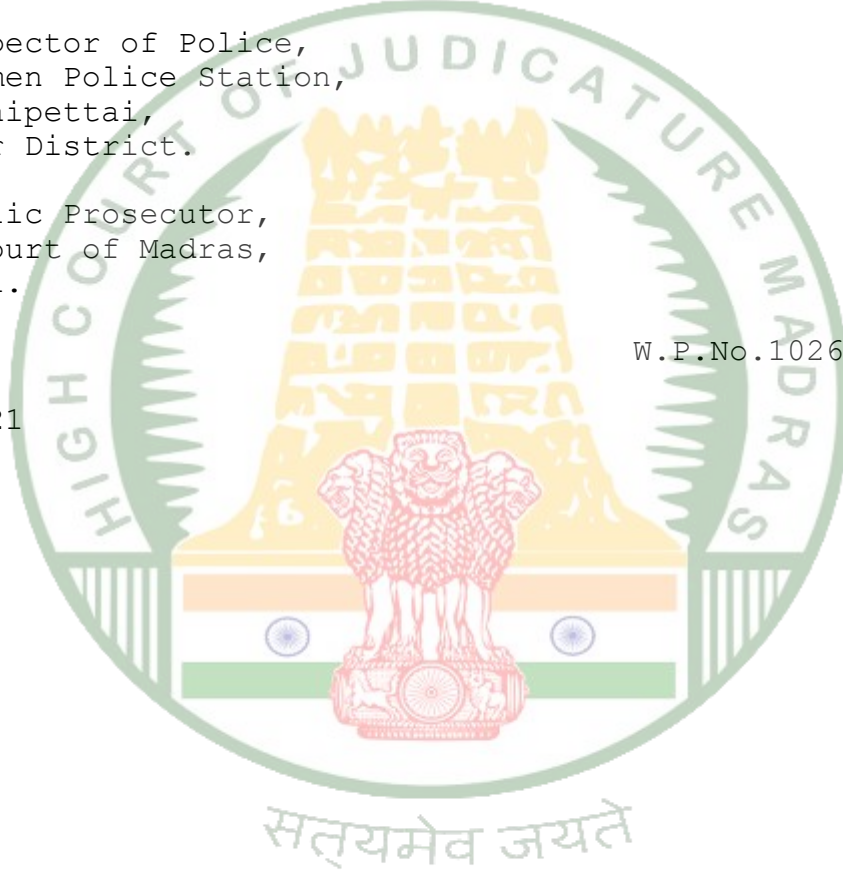
Sub-Assistant Registrar

To

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Tiruppur,
Tiruppur District.
- 2.The Inspector of Police,
Udumalaipettai Police Station,
Udumalaipettai, Tiruppur,
Tiruppur District.
- 3.The Inspector of Police,
All Women Police Station,
Udumalaipettai,
Tiruppur District.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.

W.P.No.10267 of 2021

EU 8.6.2021



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