

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.05.2021
CORAM:
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P.No.11394 of 2021

R.R.Sathiyamurthi
Managing Director,
M/s.RR Thulasi Builders India Private Limited
New No.25, Old No.18, II Floor,
11th Avenue, Ashok Nagar,
Chennai - 600 083

...Petitioners

Vs.

1.The Inspector of Police
Team - IV, EDF-II,
Central Crime Branch,
Vepery,
Chennai - 600 007.

2.M/s.Fortitude Constructions Private Limited,
No.171, Ponnusamy Colony, Reddiyur,
Alagapuram,
Salem - 636 004.

...Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the 1st respondent from harassing the petitioners under the guise of enquiry, and thereby interfering with the civil dispute between the petitioner and the 2nd respondent in respect of the money transaction, pursuance to the summons issued on 22.04.2021.

For Petitioner : Mr.R.Murari, Senior Counsel
for S.Rajmakesh

For R1 : Ms.V.Sharatha, Govt. Advocate

ORDER

Heard the learned Senior Counsel appearing for the petitioner and the learned Government Advocate appearing for the 1st respondent.

2.The learned Senior Counsel pointed out that there is a pending civil dispute between the petitioner on the one hand and the 2nd respondent company on the other hand. The specific allegation is that based on the complaint given by the 2nd respondent, the petitioner is being harassed. He would point out that the jurisdictional forum is seized of the issue which is

basically an accounting issue. According to him, the jurisdiction of the 1st respondent is not at all attracted.

3.Be that as it may, without going into the merits of the matter, I direct the 1st respondent to issue summons in writing, if they want to enquire the petitioners herein. In other words, the petitioners will not be orally summoned to the office of the 1st respondent. If the 1st respondent proposes to register any First Information Report against the petitioners based on the complaint of the 2nd respondent or anybody claiming through the 2nd respondent, then the 1st respondent will put the petitioners on notice, so that the petitioners will have breathing time to move the concerned Court for the relief of anticipatory bail.

4.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:-

1.The Inspector of Police,
Team-IV, EDF-II,
Central Crime Branch,
Vepery, Chennai - 600 007.

2.The Public Prosecutor,
High Court,
Madras 600 104

W.P.No.11394 of 2021

PPA(CO)
NS(13/05/2021)

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