

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.10281 of 2021

B.Raju

... Petitioner

.vs.

State by

Inspector of Police,
CCB, Egmore, Chennai.

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police not to harass the petitioner except by due process of law.

For Petitioner : Mr.R.Subburaj

For Respondent:Mr.A.Damodaran
Government Advocate
(Crl.Side)

ORDER

This petition has been filed to direct the respondent police not to harass the petitioner.

2.The contention of the petitioner is that the petitioner was arrested in K-3 Aminjikarai Police Station Crime No.124 of 2021 and he was granted bail in Crl.M.P.No.10854 of 2021 on 19.04.2021. One of the condition was that the petitioner should appear before the Inspector of Police, K-3 Aminjikarai Police Station, Chennai at 10.30 a.m., for a period of 10 days and thereafter, the condition be relaxed automatically.

3.The petitioner came out on bail on 19.04.2021. In the meanwhile, the respondent Police herein called the petitioner for an enquiry on a complaint given by one Ashalatha. Since the petitioner was tested positive for COVID-19 on 07.05.2021, he was unable to attend enquiry and he was advised treatment till 21.05.2021. Thereafter, he received a notice through WhatsApp from the respondent Police. The petitioner had sent a reply stating that as he is suffering from COVID-19, he is unable to attend the enquiry immediately and sought time to appear by 12.06.2021. Till date, he did not receive any information for the said request. The petitioner is willing to appear before the respondent police and give explanation.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submits that one Ashalatha, who is the defacto complainant and one Balakrishnan were partners. The petitioner was working as a Manager along with them. In the course of employment, he had been entrusted with the work of purchase of 89 equipments and a tune of Rs.3.29 crores was allotted to him for the said purchase. But, he had purchased only 44 equipments to the tune of Rs.86 lakhs and the balance amount has been usurped by the petitioner. The petitioner is running a business firm in the name of L.R.System projecting his wife as Proprietor, in which one he purchased the equipments. As a manager, he stated that the records are with the supplier and hence, the supplier is entitled to produce the records.

5.The petitioner seems to be evasive by giving one reason or the other by cheating the defacto complainant has to be confirmed and proved. On his examination, some materials to be collected. Further materials are yet to be collected. Unless the petitioner and his wife Lavanya appears for enquiry, nothing could be progressed. It is seen that the petitioner is ready to participate in the enquiry and it is only due to his health condition, he was unable to participate in the enquiry.

6.In view of the same, the petitioner is directed to appear before the respondent police on 22.06.2021 and 23.06.2021 for investigation. It is made clear that the petitioner is aware about the enquiry date and without fail, he shall appear before the respondent. The respondent police is at liberty to take coercive action against the petitioner if needed.

7.With the above direction, this petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1.Inspector of Police,
CCB, Egmore, Chennai.

2.The Public Prosecutor,
High Court, Madras.

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