

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.9866 of 2021

D.John Miller

... Petitioner

Vs.

1. The Superintendent of Police,
Thirupattur District,
Thirupattur.

2. The Deputy Superintendent of Police,
District Crime Branch,
District Police Quarters,
Thirupattur,
Thirupattur District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents not to harass the petitioner by considering the representation of the petitioner dated 12.05.2021 on the file of respondents herein to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.L.Damodaran

Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the respondents not to harass the petitioner by considering the representation of the petitioner dated 12.05.2021 on the file of the respondent herein.

2.The learned counsel for the petitioner submitted that the defactor complainant viz., one Saravanakumar had started job work unit called "Good Will Leather Exports" on 15.09.2015. The said job work firm was an unregistered partnership company and the petitioner and the defacto complainant executed deed in order to categorize the terms and conditions to be adhered. The petitioner took the responsibility of accounts and

administration and Mr.Saravanakumar took responsibility of technical aspects. There was some misunderstanding between them and finally the business has been closed. The difference of opinion between them with regard to arriving a finalization of accounts still exists. Therefore, Mr.Saravanakumar gave a complaint before the respondent police and the respondent police on the guise of enquiry are harassing the petitioner contrary to Rule laid down in Lalitha Kumari Vs. Government of Uttar Pradesh reported in 2013 (6) CTC 353 and forcing him to settle the issue.

3.The learned Government Advocate (Criminal Side) submitted that one Saravanakumar lodged a complaint on 03.05.2021. Based on the complaint the petitioner has been called for an enquiry and the petitioner had appeared before the respondent police on 07.05.2021, 13.05.2021 and 20.05.2021 and he produced the relevant records to substantiate the payment particulars, and thereafter, this petition has been filed before this Court.

4.From the statement of reply to the summons served on the petitioner, it is stated that the petitioner had appeared before the respondent police which is not disputed. He also sent a representation on 12.05.2021 which was received by the respondents on 13.05.2021. From the statement and materials, it is seen that the petitioner and the defacto complainant are business partners. There seems to be dispute between them. The respondent police are on receipt of the complaint and had only conducted enquiry and the enquiry is in process. At this juncture, this petition has been filed before this Court and the only apprehension of the petitioner is that he is being harassed by the respondent police. It is seen that nowhere in the statement there is a mention of harassment except placing reliance upon the Lalitha Kumari Vs. Government of Uttar Pradesh reported in 2013 (6) CTC 353 case and also Article 23 of the constitution of India. The petitioner admits the business relationship, to conclude the enquiry, the respondent police needs to take the statement and also the documents if any produced by the petitioner. In view of the same, the petitioner is directed to appear before the respondent police on 23.06.2021 and 24.06.2021 and produce whatever documents available with him and thereafter, the respondent police shall complete the enquiry, as contemplated.

5.The respondent police is reminded that both the petitioner as well as the complainant have erstwhile business dispute.

6.With the above directions, this criminal original petition is closed.

Sd/-
Assistant Registrar(CS III)

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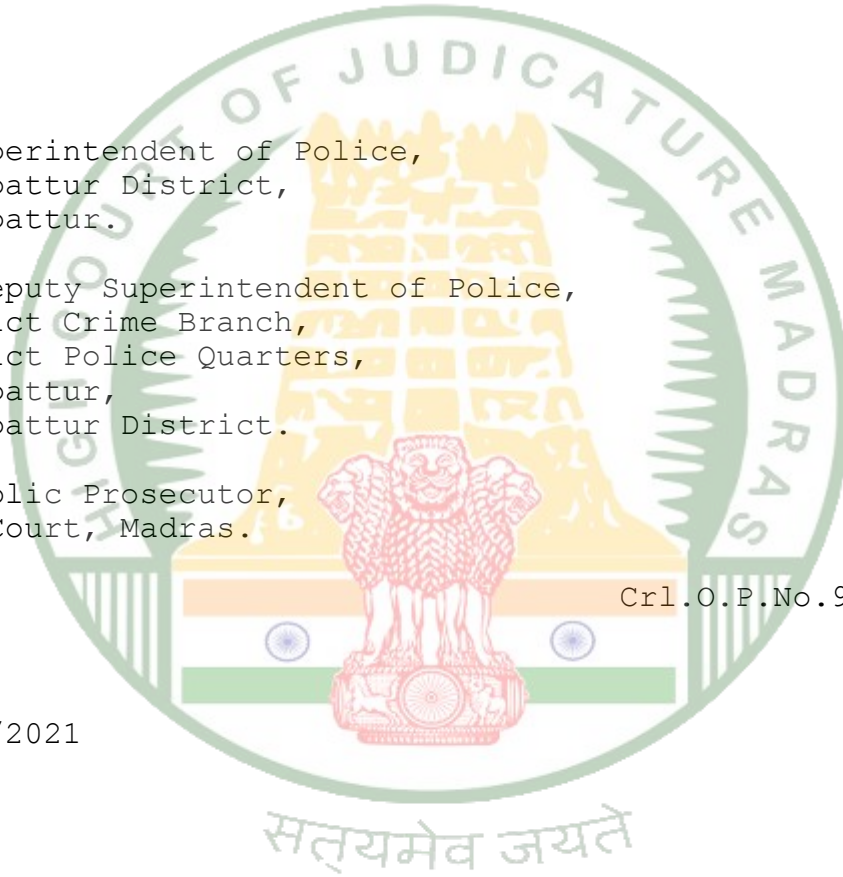
Sub Assistant Registrar

ssr
To

1. The Superintendent of Police,
Thirupattur District,
Thirupattur.
2. The Deputy Superintendent of Police,
District Crime Branch,
District Police Quarters,
Thirupattur,
Thirupattur District.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.9866 of 2021

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