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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16429 of 2021

Santha Rajagopal ... Petitioner

Vs.

1. The Commissioner of Police,
Salem City, Salem.
2. Inspector of Police,
Salem Town Police Station (Crime),
Salem.

3. Prince Abraham ... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to direct the 2nd respondent or his subordinates not to harass or ill treat the petitioner and her family members on the guise of enquiry at the instance of the 3rd respondent.

For Petitioner : Mr.R.Gandhi

For Respondent : Mr.R.Vinoth Raja
Nos.1 & 2 Government Advocate (Crl.Side)

ORDER

The petitioner, who is running a wholesale fruit business in the name and style of "Sai Ram Fruits" has been called in the guise of enquiry during odd hours and that too, in the peak hours in his shop. Hence, she has filed the above petition.

2.The contention of the learned counsel for the petitioner is that one Prince Abraham was employed as an in-charge of her fruits shop. The petitioner is running a chain of fruit stall in various places, one of the shops in Salem is maintained by Prince Abraham. He was found to be misappropriated some money from the shop and hence, he was removed from service on 18.08.2021. Thereafter, the petitioner lodged a complaint with



the Inspector of Police, who assigned CSR.No.97 of 2021. On the contrary, without conducting any enquiry on the complaint of the petitioner, counter complaint has been received from Prince Abraham and CSR No.96 of 2021 was assigned and the petitioner, in the guise of enquiry, has been harassed.

3.The learned Government Advocate (Crl.Side) submits that in this case, a complaint has been lodged by one Prince Abraham against the petitioner, CSR No.96 of 2021 assigned and in the guise of enquiry, the petitioner has been called. The petitioner gave a complaint against Prince Abraham, CSR No.97 of 2021 assigned. Further, both of them were called for enquiry, which is now turned as harassment and considering the dispute between the employer and employee and further, the amount misappropriated appears to be only Rs.9,050/- and counter complainant Prince Abraham, the said Prince Abraham has been removed from service, this Court found that further enquiry in both CSR No.96 of 2021 and 97 of 2021 is not required.

In view of the same, the respondent police is directed to close both CSRs and leave it at that. Accordingly, the criminal original petition is disposed of.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

gv/sms

To

- 1.The Commissioner of Police,
Salem City, Salem.
- 2.Inspector of Police,
Salem Town Police Station (Crime),
Salem.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.16429 of 2021

RSI (CO)
CB(05/10/2021)