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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18900 of 2021

1.Juzar Saifuddin
2.Huzefa Juzar

... Petitioners

Versus

1.The Assistant Commissioner of Police,
City Crime Branch,
Commissioner office Campus,
Coimbatore - 641 018.

2.The Inspector of Police,
City Crime Branch,
Commissioner office campus,
Coimbatore District - 641 018.

3.Denston C.Raja

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent Nos.1 and 2 herein not to harass the petitioners in the guise of enquiry by appreciating the above stated facts and circumstances.

For Petitioners: Mr.M.Guruprasad

For R1 & R2 : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)

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O R D E R

This petition has been filed to direct the respondent Nos.1 and 2 herein not to harass the petitioners in the guise of enquiry by appreciating the above stated facts and circumstances.

2.The learned counsel appearing for the petitioners submitted that the first petitioner is the father of the second petitioner. The first petitioner supplies goods to the Kerala State Electricity Board. The second petitioner after his



studies is managing the said business along with the first petitioner. The petitioners had a business transaction with the third respondent i.e. Denston C.Raja, for many years, due to some misunderstanding with the business, there seems some dispute between the petitioners and the said Denston C.Raja. The said Denston C. Raja had using the police force to settle the issue. During August, 2021, the petitioners received a call from one Joseph, Sub-Inspector of Police, attached to the CCB Wing Coimbatore. Followed it, the petitioners received several calls from the CCB. Finally on 21.09.2021, the petitioners received a call from CCB, to pay a sum of Rs.5 Crore to the said Denston C.Raja, otherwise they threatened that the petitioners will be arrested under Sections 420 read with 506 IPC and will be remanded. Despite the petitioners giving explanation that a civil suit is pending before the Civil Court and they had sent a detailed representation to the first and second respondents through e-mail.

3.The learned Government Advocate [Crl. Side] appearing for the first and second respondents submitted that no such e-mail has been received. The petitioners had been evading the call of the respondent police. On a complaint by one Denston C.Raja i.e. the third respondent herein, the petitioners were called for enquiry. Following the Apex Court guidelines in cases involving commercial dispute, enquiry is to be conducted and the appearance of the petitioners before the respondent police is necessary.

4.The learned counsel appearing for the petitioners on instruction submitted that the petitioners would appear before the respondent police on 08.11.2021 and also submit the documents in support of their explanation.

5.Considering the rival submissions and on perusal of materials, this Court directs the petitioners to appear before the respondent police on 08.11.2021 and to submit the documents whatever in their favour. Thereafter, the respondent police is directed to take appropriate action, in accordance with law.

6.With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar



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To

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- 1.The Assistant Commissioner of Police,
City Crime Branch,
Commissioner office Campus,
Coimbatore - 641 018.
- 2.The Inspector of Police,
City Crime Branch,
Commissioner office campus,
Coimbatore District - 641 018.
- 3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.53969

CRL.O.P.No.18900 of 2021

GPL(CO)
CB(01/11/2021)