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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.22665 of 2021

G.Kumar

...Petitioner

Versus

State Rep. By
The Inspector of Police,
Central Crime Branch,
Salem City,
Salem.

... 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 in the guise of enquiry on the complaint one Mr.A.Sakthivel Arumugan expect by due process of law.

For Petitioner : Mr.Conscious Ilango

For Respondents: Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Petition has been filed to direct the respondent police not to harass the petitioner in the guise of enquiry on the complaint given by one Mr.A.Sakthivel Arumugan expect by due process of law.

2. The contention of the learned counsel appearing for the petitioner is that the petitioner had purchased omni bus bearing Registration No. TN 12 AJ 4120 and thereafter sold to one Sakthivel Arumugam during March 2020. He further submitted that all of a sudden the said Sakthivel started demanding the petitioner to return the sale consideration of the bus, stating one reason or the other and further stating one digit of the



engine number is missing as per the smart card R.C.Book, which was also corrected by applying in the RTO office. He further submitted that due to prevailing pandemic situation since the omnibus could not fetch proper income as planned by the said Sakthivel, he is compelling the petitioner to take the vehicle back and return the sale consideration of the said omni bus, which is not agreeable to the petitioner.

3. It is the further contention of the petitioner that on the complaint lodged by Sakthivel, the respondent police is calling the petitioner for enquiry on daily basis and they had also issued two summons dated 24.10.2020 and 07.02.2021 and in compliance of the same the petitioner also appeared before the respondent police and submitted the documents and records for their consideration, despite the same the respondent police are harassing the petitioner under the guise of enquiry. It is further submitted that one P.Shankar earlier owner of the vehicle who was also being harassed by the respondent police on the complaint given by one Sakthivel, has approached the Court in CrI.O.P.No.12940/2021 and this Court by an order dated 28.07.2021 had directed the respondent police to complete the enquiry, within a period of two months and proceed according to law, but the petitioner is again called for enquiry for the same complaint.

4. The learned Additional Public Prosecutor submitted that earlier complaint was lodged by one Sakthivel and now the complaint has been received from the petitioner. He further submitted that the petitioner appeared on 15.09.2021 and 17.09.2021 and for resolving the issue again the parties were directed to appear on 29.12.2021, which cannot be treated as harassment. He further submitted that this Court by an order 28.07.2021 also directed the petitioner to complete the enquiry within a period of two months and citing the current paper the respondent police called the petitioner for enquiry.

5. In view of the same, the respondent police is directed to conclude the enquiry as directed by this Court in CrI.O.P.No.12940 of 2021, within a period of two months from the date of receipt of a copy of this order. However, it is made clear that the petitioner shall not unnecessarily called for enquiry and harass and if the petitioner presence is very much required, appropriate summons could be issued.



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

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

arr

To

1. The Inspector of Police,
Central Crime Branch,
Salem City,
Salem.

2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.22665 of 2021

LRR[CO]
SRG 27/12/2021