



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2021

CORAM

WEB COPY

THE HONOURABLE **MR. JUSTICE G. CHANDRASEKHARAN**

CrI.O.P. (MD)No.7610 of 2021

M. Henry Joseph

... Petitioner

Vs.

1. The Superintendent of Police,
Karur District.

2. The Inspector of Police,
District Crime Branch,
Karur District.

3. M/s. M.M. Global Logistics,
SC2 Blue Shed Warehouse,
Jebel Ali Free Zone, P.O. Box 123629,
Dubai.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent not to harass the petitioner under the guise of enquiry and further not to interfere into the civil dispute.

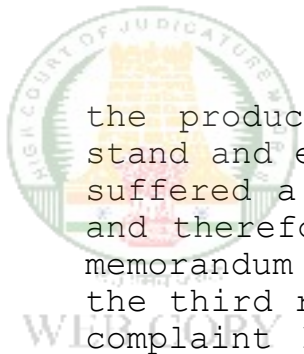
For Petitioner : Mr. R. Maheswaran

For R1 & R2 : Mr. R. M. Anbunithi,
Additional Public Prosecutor.

ORDER

This criminal original petition has been filed to direct the second respondent not to harass the petitioner under the guise of enquiry and further not to interfere into the civil dispute.

2. The case of the petitioner is that he entered into an memorandum of understanding with the third respondent for the supply of moringa leaf powder and moringa oil. Earlier, he supplied for an amount of USD 4850/-. Having satisfied with the quality of the product, the third respondent had again placed an order and entered into an memorandum of understanding to supply moringa leaf powder and moringa oil for an amount of USD 14700/-. In fact, the said amount was deposited into the account of the petitioner company in two installments. It appears that the petitioner sent specimen of



the product through whatsapp and that specimen did not meet the stand and expect by the third respondent. Meanwhile, the petitioner suffered a block in his urinary tract and he had undergone surgery and therefore, there was a delay in supplying the goods as per the memorandum of understanding entered into between the petitioner and the third respondent. The third respondent, it appears, has given a complaint before the second respondent police with regard to the non-supplying of the materials. On the basis of the said complaint, the second respondent sent summons dated 10.05.2021 and 11.05.2021 requesting the petitioner to attend the enquiry. Now the petitioner filed this petition stating that the issue involved in this case is civil dispute and the police have no discretion to interfere with the civil dispute and therefore, they should not harass the petitioner.

3.Admittedly, the petitioner supplied moringa leaf powder and moringa oil for USD 4850/- to the satisfaction of the third respondent. For the second consignment to the tune of USD 14700/-, admittedly, the petitioner has not supplied the goods, even after the receipt of the money. There is also an issue with regard to the quality of the goods to be supplied by the petitioner and the same is not within the expectation of the third respondent. Therefore, the third respondent has given the complaint before the police.

4.Without going into the merits of the case with regard to the allegation regarding quality of the goods proposed to be supplied, this Court considers that there is always an element of criminality in the civil dispute and civil issues are involved in criminal dispute. Therefore, the contention of the petitioner that this is purely civil dispute, cannot be accepted as of now.

5.The learned counsel appearing for the petitioner submitted that the petitioner is prepared to supply the goods as per the memorandum of understanding within four months.

6.Recording the above said submission, this criminal original petition is closed. No further order is necessary in this case.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



To

1.The Superintendant of Police, Karur District.

2.The Inspector of Police,
District Crime Branch, Karur District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD)No.7610 of 2021

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TR(18.06.2021) 3P 4C