



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.7876 of 2021

WEB COPY

Rathinakumar

... Petitioner

Vs.

1. The Commissioner of Police,
Tirunelveli City.

2.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.

3.Nesam Velu

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the second respondent police not to harass the petitioner on the complaint of the third respondent.

For Petitioner : Mr.T.A.Ebenezer

For R1 to R2 : Mr.R.M.Anbunithi

Additional Public Prosecutor.

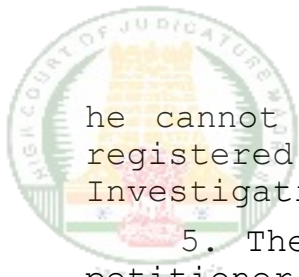
ORDER

This Criminal Original Petition is filed seeking a direction to the third respondent herein not to harass the petitioner, based upon the complaint, given by the third respondent herein.

2.The learned Additional Public Prosecutor would submit that based upon the complaint given by the third respondent, CSR.No.1394/2020 has also been registered on the file of the Inspector of Police, Palayamkottai Police Station, Tirunelveli District, and it has been specifically mentioned that it is a money transaction.

3. But, the above said money transaction is disputed by the learned counsel for the petitioner. Actually, there is no such transaction between them.

4. One such allegation is that one S.Muthukumar, who is the Special Sub Inspector of Police, attached to the Palayamkottai Police Station. Tirunelveli District, issued summon against the petitioner and his family members as per the instruction of the Commissioner of Police, Tirunelveli District and the same was refused by the petitioner for the reason that the first respondent police has no jurisdiction to entertain the complaint filed by the second respondent herein. So, on that ground, the specific allegation has been made against the particular Police Officer that



he cannot issue any summon. Further, with regard to the complaint registered against the petitioner, he has to appear before the Investigation Officer and co-operate with the enquiry.

5. The only grievance expressed by the learned counsel for the petitioner is that the second respondent must be directed to hold the enquiry.

6. So, the second respondent is directed to conduct enquiry within 15 days from the date of receipt of copy of the order in the above said CSR and if he finds it is purely a civil dispute, he has to act as per the PSO 692 (b). If any grievance is experienced by the petitioner, he may approach this Court.

7. With this direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

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 concerned.

To

1. The Commissioner of Police,
Tirunelveli City.

2.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.

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

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-19813[F] dated 22/06/2021)

Crl.O.P.(MD)No.7876 of 2021

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