



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.9046 of 2021

V.Kamaraj

... Petitioner

Vs.

1. The Commissioner of Police,
Madurai City,
K.Pudur,
Madurai - 625 007.
2. The Inspector of Police,
South Gate Police Station,
Madurai.
3. Ramesh

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 2nd respondent not to harass the petitioner under the guise of enquiry on the petitioner's representation dated 21.06.2021.

For Petitioner : Mr.M.Sankar

For R-1 and R-2 : Mr.R.M.Anbunithi

Additional Public Prosecutor

O R D E R

This petition is filed seeking a direction to the second respondent not to harass the petitioner under the guise of enquiry.

2. The case of the petitioner is that one Gnanaprakash and the third respondent frequently came to the petitioner's shop, wherein, he is doing golden ornaments polishing business and on one occasion, the third respondent has given 50 grams of pure gold to the said Gnanaprakash for the interest, by executing an agreement. On 20.06.2021, the third respondent appears to have given a complaint to the first respondent against the said Gnanaprakash stating that he cheated him. In that complaint, the name of the petitioner is also mentioned. But, this petitioner is no way connected with the said occurrence, which had taken place between the third respondent and the said Gnanaprakash. Now, the respondent Police harassed the petitioner under the guise of enquiry.

3. The learned Additional Public Prosecutor submits that the third respondent has given a complaint against this petitioner as



well as the said Gnanaprakash and enquiry was undertaken by assigning CSR No.170 of 2021. The petitioner himself appeared before the second respondent and gave an undertaking that he will settle the dispute. On that ground, the complaint is still pending.

WEB COPY 4. But, the learned counsel appearing for the petitioner submits that it is totally a false complaint and there is no document with regard to the allegations. Further, it is purely a money transaction between the third respondent and the said Ganaprakash.

5. As submitted by the learned Additional Public Prosecutor, the petitioner himself has appeared before the second respondent and gave an undertaking statement. In such circumstances, the question of harassment does not and will not arise. It is open to the petitioner to work out his remedy before the appropriate Forum.

6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Madurai City,
K.Pudur,
Madurai - 625 007.
2. The Inspector of Police,
South Gate Police Station,
Madurai.



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

Crl.O.P. (MD)No.9046 of 2021
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MGJ(16.07.2021) 3P 4C