



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 05.08.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.9175 of 2021

M.Kesavan

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai.

2.The Inspector of Police,
S.S. Colony Police Station,
Madurai District.

... Respondents 1 & 2/Complainants

3.Eswari

... 3rd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the first & Second respondent not to harass the petitioner under the guise of enquiry on the basis of the complaint made by one Eswari (i.e., the 3rd Respondent herein) for which the above said 2nd Respondent frequently orally summoning and also not to threaten to foist false cases.

For Petitioner : Mr.R.Babu Jaganath

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

ORDER

This Criminal Original Petition is filed to direct the first respondent not to harass the petitioner under the guise of enquiry, on the basis of the complaint, made by the third Respondent herein.

2. The main grievance of the petitioner is that the third respondent has borrowed a sum of Rs.5 lakhs from the petitioner and failed to repay the same. A police complaint has been launched against the petitioner. Based upon which, he has been harassed by the second respondent herein, to settle the dispute.

3. A copy of the complaint, given by the third respondent has been circulated before this Court and reading of the complaint shows that there is serious allegations against the petitioner. But, whether those allegations are true or not cannot be discussed in this petition. When such a complaint, that has been given, it is the duty of the Enquiry Officer, to conduct enquiry.

4. The learned Additional Public Prosecutor would submit that after lodging the complaint, by the third respondent, on 29.06.2021,

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the petitioner lodged a complaint, before the Kamuthi Police Station, against the third respondent and later, filed this petition, on 08.07.2021. Because of this development, enquiry has not been completed and kept pending.

5. In view of the above said facts and circumstances, let the petitioner appear before the second respondent and co-operate with him to complete the enquiry and however, the second respondent should not insist the petitioner to settle the dispute by waiving loan that has been given by this petitioner to the third respondent. This Court directs the second respondent shall not insist the petitioner to amicable settlement, which may not be the duty of the second respondent. If at all, the petitioner and the third respondent can be directed to approach the concerned civil Court for appropriate remedy.

6. With the above direction, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (W)

// 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,
Office of the Commissioner of Police,
Madurai.
- 2.The Inspector of Police,
S.S. Colony Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SS-II (CO)
KB(17.08.2021) 2P 4C

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