



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2021

CORAM :

THE HONOURABLE **Mr.JUSTICE G.ILANGOVAN**

Crl.O.P. (MD)No.9295 of 2021

V.Alagarsamy

... Petitioner

Vs

1.The Superintendent of Police,
Virudhunagar District.

2.The Deputy Superintendent of Police,
District Crime Branch,
Virudhunagar District.

3.State rep by Inspector of Police,
District Crime Branch,
Virudhunagar District.

4.Srinivasan.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Criminal Procedure Code, to direct the second and third respondent police officials not to harass the petitioner under the guise of enquiry on the basis of the 4th respondent complaint.

For Petitioner : Mr.P.Manimaran,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to direct the second and third respondent police officials not to harass the petitioner under the guise of enquiry on the basis of the 4th respondent complaint.

2.When the matter was taken up for hearing on 14.07.2021, the learned counsel for the petitioner submitted that there was a business transaction between the two companies namely Srinivasa Traders and Naachiar Paper Board and the petitioner is a Managing Partner of M/s.Srinivasa Traders. Due to various reasons, the petitioner's Company went to loss and there was a balance due payable to the fourth respondent by the petitioner's Company. Hence, appropriate proceedings have been initiated before the concerned forum and insolvent proceedings have also been initiated. Over the above said business transactions dispute, a complaint was also given by the fourth respondent and the same was closed by CCB, Madurai, on the ground that it is a business transaction dispute. Later, another



complaint was given before the Superintendent of Police, Virudhunagar on 13.04.2021. Based upon which, C.P.No.R5/721/2021 has been assigned by the third respondent herein.

3.On going through the complaint, this Court is of the considered view that so far as the business transaction is concerned, the second respondent may not have any power to enquire. But, however, a specific allegation has been made to the effect that a life threat was made to the fourth respondent, when the money was demanded. So, on that ground, the petitioner was directed to appear before the Enquiry Officer and the result of the enquiry was also ordered to be intimated to this Court by order dated 10.08.2021.

4.Hence, when the matter is taken up for hearing today (I.e.,) on 14.09.2021, the learned Government Advocate would submit that enquiry was undertaken and the complaint was closed.

5.Since the complaint was closed by the third respondent, nothing survives for further consideration in this petition. Hence, this Criminal Original Petition stands disposed of as infructuous.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Superintendent of Police,
Virudhunagar District.
- 2.The Deputy Superintendent of Police,
District Crime Branch,
Virudhunagar District.
- 3.The Inspector of Police,
District Crime Branch,
Virudhunagar District.



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

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ORDER
IN
CRL OP(MD) No.9295 of 2021
Date : 14/09/2021

RS (22.09.2021) 3P 5C