



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 02.09.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVA

Crl.O.P. (MD)No.9647 of 2021

WEB COPY

1.Manikkam

2.M.Ponlatha

... Petitioners

Vs.

1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Inspector of police,
District Crime Branch,
Virudhunagar,
Virudhunagar.

3.Muthupandi
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar,
Virudhunagar District.

4.Rameswaramurugan

5.Akilandeswari

6.K.Anand

7.Arivudainambi

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the second respondent herein not to harass the petitioners under the guise of enquiry on the complaint lodged by Akilandeswari/5th Respondent herein.

For Petitioners : Mr.A.Thiruvadi Kumar
For R1 To R3 : Mr.R.M.Anbunithi,
Additional Public Prosecutor.
For R4 to R7 : Mr.N.Shyllappakalyan

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> This Criminal Original Petition is filed seeking a direction



to direct the second respondent herein, not to harass the petitioners under the guise of enquiry, on the basis of the complaint lodged by the fifth Respondent herein.

2. When the matter was taken up for hearing on 04.08.2021, the learned counsel for the private respondents has submitted that it is not a simple case of money transaction as projected by the petitioners, but the larger amount of cheating and misappropriation of funds are involved in this matter.

3. The learned Additional Public Prosecutor has submitted that the petitioners did not appear before the Enquiry Officer in spite of specific undertaking to the effect that they will appear before the Enquiry Officer on 13.07.2021. Without appearing before the Enquiry Officer on the particular date, this petition came to be filed by him.

4. In view of the above submission, a direction was issued by this Court to the effect that the second respondent must conduct enquiry not only on the basis of the representation made by the petitioners, but also, on the complaint given by the private respondents herein and to intimate the outcome of the enquiry, the matter was listed today.

5. When the matter taken up for hearing, the learned Additional Public Prosecutor would submit that in spite of specific direction was issued by this Court, the petitioners did not appear before the second respondent.

6. The learned counsel for the private respondents would submit that they are ready to appear before the second respondent. Totally statements of 8 witnesses have been recorded. But, the petitioners did not appear before the second respondent.

7. But, however, the learned counsel for the petitioners would submit that they did not call for enquiry through summon.

8. Such a sort of contention, on the part of the petitioners is not acceptable, when there is a specific direction issued by this Court. Considering the facts and circumstances of the case, it appears that there is no harassment to the petitioners by the second respondent. But, the contention on the part of the petitioners is that the second respondent is compelling the petitioners to settle the amount. Even though, the petitioners must co-operate with the second respondent to conduct enquiry.

9. When the petitioners did not appear before the Enquiry Officer and co-operate with him for enquiry, question of harassment does not arise. So, I find no merit in this petition.



Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

WEB 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 Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Inspector of police,
District Crime Branch,
Virudhunagar,
Virudhunagar.
- 3.Muthupandi
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-28090[F] dated 03/09/2021)

Crl.O.P. (MD)No.9647 of 2021
02.09.2021

NSN (CO)
SB(16.09.2021) 3P 6C