



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2021

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.15641 of 2021

1.Ramesh
2.Kanjana
3.Naresh

... Petitioners

Vs.

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

2.The Inspector of Police,
District Crime Branch,
Sivagangai.

3.S.Selvaraj

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents 1 and 2, not to harass the petitioners under the guise of enquiry in the nature of civil complaint which arising out of business transaction, except following the due processes of law.

For Petitioners : Mr.R.Amardeep

For R1 and R2 : Mr.A.Albert James
Govt. Advocate (Crl. Side)

For R3 : Mr.S.Saravana Kumar

O R D E R

This Criminal Original Petition has been filed for forbearing the respondent police from harassing the petitioners in the guise of enquiry.

2.When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) submitted that the complaint given by the third respondent was enquired into and closed on 23.09.2021, since the petitioners had agreed to pay the balance amount of Rs.2,00,000/- on or before 11.10.2021.



3.It appears that the petitioners have not settled the amount. This Criminal Original Petition was filed on 06.10.2021. It is quite possible that a fresh complaint has been given by the third respondent.

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4.In these circumstances, this Criminal Original Petition is disposed of with the following directions:-

"(a) The respondent police will issue written summons to the petitioners for causing their appearance before him for enquiry. There is no question of orally summoning the petitioners to the police station.

(b) The respondent police will conclude the enquiry within a period of two weeks from the date of receipt of a copy of this order.

(c) If at the end of the enquiry, cognizable offence is made out and the respondent police proposes to register any FIR, the petitioners will be given notice of the same so that the petitioners will have breathing time to move the concerned Court for the relief of anticipatory bail.

(d) If the case is purely civil in nature, the complaint has to be closed."

Sd/-

Assistant Registrar (P&A)

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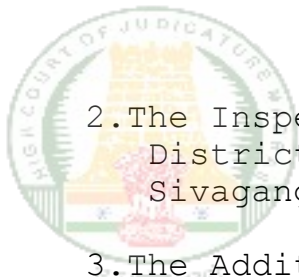
Sub Assistant Registrar(CS)

lr

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,
Sivagangai District,
Sivagangai.



2.The Inspector of Police,
District Crime Branch,
Sivagangai.

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

+1 CC to M/s.I.SUTHAKARAN, Advocate (SR-40274[F] dated 23/12/2021)

Crl.O.P(MD)No.15641 of 2021
22.12.2021

RK(19/01/2021) 3P 5C