



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.15940 of 2020

Silmiya Roshitha

... Petitioner

Vs.

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

2.The Inspector of Police,
Central Crime Branch (CCB),
Madurai City.

3.Manimegalai

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C to direct the second respondent for not to harass the petitioner under the guise of enquiry based on the petitioner's representation dated 19.12.2020.

For Petitioner : Mr. D.S.Haroon Rasheed

For Respondents 1 & 2 : Mr. A.Robinson

Government Advocate (Crl. Side)

ORDER

The petitioner has filed the present petition under Section 482 of Cr.P.C. seeking for a direction to the second respondent not to harass her under the guise of an enquiry.

2.The contention of the petitioner is that her mother borrowed loan from the third respondent, who is a money lender and since she could not bear the harassment meted out to her by the third respondent, she went missing and that one of her sisters also committed suicide on account of this borrowal. It is the further contention of the petitioner that now the second respondent, after receiving a complaint from the third respondent, has started harassing the petitioner.

3.Per contra, Mr.A.Robinson, learned Government Advocate, (Crl. Side) who takes notice for the respondents 1 & 2, submitted that the petitioner and her mother were involved in online trading and the third respondent gave Rs.37,00,000/- (Rupees Thirty Seven Lakhs) to the petitioner and her mother, for which a profit of Rs.5,00,000/- (Rupees Five Lakhs) alone was given to the third respondent. He further contended that subsequently, since no amount



was forthcoming from the petitioner and her mother, the third respondent has lodged a complaint with the respondent police and they are investigating the case.

4.However, considering the submissions made by the petitioner, the second respondent police is directed not to harass the petitioner and he is also directed to follow the guidelines of ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610.***

5.With the above observation, this Criminal Original Petition is disposed of.

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,
Office of the Commissioner of Police,
Madurai City.
- 2.The Inspector of Police,
Central Crime Branch (CCB),
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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