



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.17536 of 2021

Puspamary

... Petitioner

vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Theni District.

2. The State rep. through
The Inspector of Police,
District Crime Branch,
Theni District.

3. Leely Ananthi

4. Rita Jeyarani

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to direct the second respondent not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.V.Santhakumaresan

For Respondents : Mr.M.Veeranthiran

Government Advocate for R1 & R2

O R D E R

The petitioner alleges harassment at the hands of the respondent police based on the complaint of the third respondent.

2. The case of the petitioner is that the fourth respondent made use of the petitioner's situation and induced her to borrow money from the third respondent and few others. The amounts so borrowed were appropriated by the fourth respondent. The fourth respondent was initially paying interest for the said amount. Later, she stopped. Now, the creditors are putting pressure on the petitioner to settle the liability. Though, the petitioner gave a complaint against the fourth respondent, the same was not enquired into, and was summarily closed. But the case against the petitioner is being kept alive. Hence, she has filed the present Criminal Original Petition.



3. When the matter was taken up for hearing, the Government Advocate submitted that the petitioner had borrowed money from a number of persons and committed default. I wanted to know whether FIR has been registered against the petitioner. The answer is in negative. When no FIR has been registered against the petitioner, the question of summoning the petitioner does not arise.

4. Taking into account the overall facts and circumstances, the following directions are issued:-

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

(b) The second respondent will conclude the enquiry within a period of three 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 second respondent proposes to register any FIR, the petitioner will be given notice of the same so that the petitioner will have breathing time to move the concerned Court for the relief of anticipatory bail."

5. With these directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

csm/mga

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,
Office of the Superintendent of Police,
Theni District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

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

Crl.O.P. (MD)No.17536 of 2021

15.11.2021

RK(29/11/2021) 3P 4C