



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2021

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.17887 of 2021

S.Lakshmi Kanthan

... Petitioner

Vs.

The Deputy Superintendent of Police,
C.B.C.I.D., (Idol Wing),
District Armed Force Complex,
Opp. to Jamal Mohammed College,
Subramaniapuram, Trichy.

... Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent not to harass the petitioner.

For Petitioner : Mr.R.Ramasamy
For Respondent : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side)

O R D E R

Heard the learned counsel on either side.

2.The petitioner is a 71 years old senior citizen. The petitioner has retired from Southern Railways. He is said to be a very religious person. He had established a temple. He had purchased idols from one Ekambara Mudaliar under due documentation. However, the petitioner is periodically summoned by the respondent and harassed in the name of enquiry. The petitioner sold the idols purchased by him to another registered dealer. The transaction between the petitioner and the said Ekambara Mudaliar took place way back in the year 1983. The petitioner has not had any such transaction for the last 36 years. Yet the petitioner is being needlessly summoned for enquiry in unrelated cases. These are the averments in this criminal original petition.

3.The learned Government Advocate (Crl. Side) appearing for the respondent opposed the prayer and called upon this Court to dismiss the criminal original petition.

4.After carefully considering the rival contentions, I am of the view that this criminal original petition can be disposed of with the following directions:-



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

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(b) The 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 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.The criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar (W)

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Sub Assistant Registrar(CS)

Ias

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 Deputy Superintendent of Police,
C.B.C.I.D., (Idol Wing),
District Armed Force Complex,
Opp. to Jamal Mohammed College,
Subramaniapuram, Trichy.

2.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.RAMASAMY, Advocate (SR-34995[F] dated 18/11/2021)
Crl.O.P (MD) No.17887 of 2021
17.11.2021

RD(02.12.2021) 2P 4C