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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.6903 of 2022

R.Ramakrishnan

... Petitioner

Vs.

- 1.The Secretary to Government,
(Home Department), Secretariat,
Chennai - 600 009.
- 2.The Commissioner of Police,
Chennai Metro City, Vepery,
Chennai - 600 007.
- 3.The Deputy Commissioner of Police (D.C),
Deputy Commissioner Office, Otteri,
Chennai - 600 012.
- 4.The Assistant Commissioner of Police, (A.C),
Sembium Range, Chennai - 600 011.
- 5.The Inspector of Police, (Crime Branch),
K-1, Sembium Police Station,
Chennai - 600 011.
- 6.D.Gopal
- 7.A.Kasthuri
- 8.A.Kalaiselvi
- 9.C.Dayabaran
- 10.M.Mani
- 11.S.Sathish
- 12.S.Susila
- 13.V.Mohan
- 14.S.Manjula
- 15.P.Regina
- 16.P.Sri Priya
- 17.N.Boopathy
- 18.T.Ramasamy Malliga
- 19.M.Thamaraiselvi
- 20.B.Ravichandiran Kamala
- 21.P.Sundaramoorthy Prema
- 22.S.Elavarasi
- 23.Sri Maruthi



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24.S.Shantha Kumari
25.Bala Manikandan
26.G.Jayaveni
27.Kala
28.R.Selvaraj
29.L.Usha
30.D.Vimala Devi
31.D.Mariammal
32.D.Sarala
33.K.Sekkizhar
34.D.Kaveri
35.P.Selvi
36.M.Venkatesan Amala
37.R.Geetharani
38.Moin
39.K.Mangaiyarkarasi
40.V.Sivagami
41.Andavan
42.Chandrakala

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue appropriate writs, orders or direction in a writ of mandamus, directing the 5th respondent not to intervene and harass in the civil disputes between the petitioner and respondents (6th to 42nd) regarding the petitioner's business matters.

For Petitioner : Mr.T.V.G.Kartheeban

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed to direct the 5th respondent not to intervene and harass in the civil disputes between the petitioner and respondents (6th to 42nd) regarding the petitioner's business matters.

2.The learned counsel for the petitioner would submit that the petitioner engaged in the business of selling specialized magnetic bed in the name and style of CERAGEM Bed. The petitioner is also assessed to sales tax by the Government of Tamilnadu and running business from No.18, Mettupalayam, Arunthathiyar Nagar, Varadhappan Street, Chennai -12 and thereafter shifted his business to No.70, Patel Road, Perambur, Chennai - 11.

3.The petitioner received an advance amount from certain persons for delivering CERAGEM Bed, due to Covid pandemic lockdown, the petitioner is unable to deliver the bed to his customers viz., respondents 6 to 42. In the meanwhile, the 19th



respondent had influenced the 5th respondent, and thereby the 5th respondent is threatening the petitioner to settle the issue and repay the booking amount to the customers. Thereafter, some of the customers have given a complaint, inturn the 5th respondent is interfering and disturbing the petitioner from running the business, thereby the present petition has been filed by the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner claims to run the business of selling magnetic beds, the 19th respondent/Thamarai Selvi had given a complaint for cheating against the petitioner. Pursuant to which the 5th respondent is conducting an enquiry in CSR and the enquiry is pending. The respondent as a Statutory Authority has right to conduct enquiry based on the complaint given by a Citizen. In respect of the complaint given by the 19th respondent, the official respondent is not interfering the business of the petitioner. He would submit that the petitioner has indulged in the offence of cheating and necessary action will be taken against the petitioner only in accordance with law.

5.At this juncture, the counsel for the petitioner would submit that the petitioner will co-operate with the official respondent in the event of summons being issued on him for enquiry.

6. In order to circumvent such situations, the following guidelines are issued : -

a) While summoning any person for enquiry the guidelines stipulated for preliminary enquiry by the Hon'ble Supreme Court in Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)] shall be strictly adhered to.

b) While summoning any person named in the complaint or any witness to the incident complained of, the police officer shall summon such person through a written summon mentioning the CSR number, date of complaint and the name of the complainant and he shall also specify the date and time for appearing before them for such enquiry/investigation.

c) The minutes of the enquiry shall be recorded in the general diary/station diary/daily diary of the police station.

d) The police officer shall refrain himself or herself from harassing persons called upon for enquiry.

7.Recording the above submissions, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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To

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K-1, Sembium Police Station,
Chennai - 600 011.
- 6.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.T.V.G.Kartheeban, Advocate, S.R.No.20441

W.P.No.6903 of 2022

NMI (CO)
SB(11/04/2022)