



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.7736 of 2022

Sridhar

... Petitioner

Vs

The Superintendent of GST
O/o The Superintendent Office of the
Deputy Commissioner of GST
No.1 Vallalar Nagar
Manjakuppam
Cuddalore 607 001.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the respondent not to harass the petitioner during the enquiry in connection with the case in GST 33BDWPS3178K1ZP of Kalki Traders.

For Petitioner ... Mr.R.N.Amarnath

For respondent ... Mr.N.P.Kumar
Spl.P.P for GST

O R D E R

This Criminal Original Petition has been filed to direct the sole respondent not to harass the petitioner during the enquiry in connection with the case in GST 33BDWPS3178K1ZP of Kalki Traders.

2. Heard Mr.R.N.Amarnath, learned counsel for the petitioner and Mr.N.P.Kumar, learned Special Public Prosecutor for the respondent.

3. The learned counsel appearing for the petitioner submitted that under the production of summons, the petitioner is forced to give an undertaking to pay the tax of a sum of Rs.29 lakhs, whereas the learned Special Public Prosecutor submitted that despite several opportunities were given, the petitioner has not produced any document to substantiate his case.



4. The term harassment is so subjective which cannot be encapsulated in objective criterion. The petitioner having given a complaint is bound to cooperate with the Police for enquiry. Admittedly, the enquiry is pending. Without cooperating with the Police, they cannot seek such a blanket direction.

5. In such a view of the matter, the prayer sought for by the petitioner is rejected. Accordingly, this Criminal Original Petition is dismissed. The Police shall issue notice, within two weeks, from today, for causing the appearance of the petitioner, for enquiry and after enquiring the petitioner, the Police may either register a complaint, if any cognisable offence is made out or close the complaint.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Superintendent of GST
O/o The Superintendent Office of the
Deputy Commissioner of GST
No.1 Vallalar Nagar
Manjakuppam
Cuddalore 607 001.

2. The Public Prosecutor
Madras High Court.

+1cc to Mr.R.N.Amarnath, Advocate, S.R.No.38632

CrI. O.P. No. 7736 of 2022

RSV(CO)
SB(04/07/2022)