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Crl. O.P. No.9268 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.9268 of 2022

1. Naresh Uppal
2. Nitin Uppal

...

Petitioners

Vs

1. The State
rep. By The Superintendent of Police
District Crime Branch
Erode District
Erode.
2. The Deputy Superintendent of Police
District Crime Branch, Erode District
Erode.
3. The Inspector of Police
District Crime Branch, Erode District
Erode.

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents Police not to harass the petitioners in connection with Ref.C.No.G3/E/2052394/973/2022 of the District Superintendent of Police, Erode, dated 9/3/2022.



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For Petitioners	...	Mr.Anirudh Krishnan
For Respondents	...	Mr.A.Gokulakrishnan
		Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents Police not to harass the petitioners in connection with Ref.C.No.G3/E/2052394/973/2022 of the District Superintendent of Police, Erode, dated 9/3/2022.

2. Heard Mr.Anirudh Krishnan, learned counsel for the petitioners and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents.

3. From the materials available on record, it could be deduced that according to the Enquiry Report, dated 14/6/2021, the complaint made by the defacto complainant had been closed, on the ground that the dispute between the parties is of civil in nature and arises out of commercial transaction. Again the defacto complaint has lodged a complaint against the petitioners before the second respondent Police. Second respondent, vide summons dated 4/3/2022, 17/3/2022 and 30/3/2022, called upon the petitioners to appear before the

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Enquiry Officer along with relevant records in connection with the above complaint.

4. Admittedly, there is some complaint pending against the petitioners. Once notice is issued to the petitioners to appear for enquiry, it is the bounden duty of the petitioners to appear for enquiry and also to cooperate with the investigation. Therefore, the second respondent is directed to issue notice, under Section 41-A of the Code of Criminal Procedure. If the Investigation Officer finds that similar complaint has been closed as Civil dispute, he may relegate the parties to the Civil Court.

5. At this stage, the learned counsel appearing for the petitioners submitted that the first petitioner is aged 72 years and requests this Court that the second respondent will appear and produce necessary documents to the Investigation Officer.

6. Considering the request of the learned counsel appearing for the petitioners, this Court directs the second petitioner to appear for enquiry before the second respondent Police, on receipt of notice under Section 41 – A of the



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Code of Criminal Procedure and produce necessary documents to the
Investigation Officer.

7. With the above direction, this Criminal Original Petition is closed.

30/6/2022

mvs.

To

1. The Superintendent of Police
District Crime Branch
Erode District
Erode.
2. The Deputy Superintendent of Police
District Crime Branch, Erode District
Erode.
3. The Inspector of Police
District Crime Branch, Erode District
Erode.
4. The Public Prosecutor, High Court, Madras.

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