



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.Nos.25753 & 25754 of 2021

B.Kumareson,
Proprietor,
Ganesh Electricals,
No.1, II Floor, New Street,
Sakthi Nagar,
Porur, 600 016.

...Petitioner in both Crl.O.P.'s

Versus

Superintendent of Police(CID),
CID Complex, Police Headquarters,
Puducherry 605 001.

...Respondent in both Crl.O.P.'s

PRAYER in Crl.O.P.No.25753 of 2021: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973 to direct the respondent not to harass the petitioner in respect of investigation vide Summons dt.05.11.2021 issued by the respondent.

PRAYER in Crl.O.P.No.25754 of 2021: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973 to direct the respondent not to harass the petitioner in respect of investigation vide Summons dt.05.10.2021 issued by the respondent.

For Petitioner
in both Crl.O.P.'s : Mr.S.S.Raghavan

For Respondent
in both Crl.O.P.'s : Mr.V.Balamurugane
Public Prosecutor(Puducherry)

COMMON ORDER

These Criminal Original Petitions are filed to direct the respondent not to harass the petitioner in respect of investigation vide Summons dt.05.11.2021 and 05.10.2021 issued by the respondent.

2.The petitioner is an Electrical Contractor. He was



awarded tender by the Government of Puducherry for the Coastal Disaster Risk Reduction Programme. The scheme is that wherever High Tension wires and Lower Tension wires overhead lines are found, to be brought down by way of UG Cable system, for which the petitioner was awarded contract. The petitioner had some labour dispute with the labour Contractor one Subramanian and Murugavel which is now conveniently projected as though they were sub contractors and the money has not been paid to them. They also filed a Civil suit before the Principal District Judge, Tiruvallur which is pending and the Civil dispute is given a criminal colour. He further submitted that false allegations have been made against him. As per the Government tender, he cannot sublet contract. In the event of sublet contract, the petitioner would be losing his contract. That being the case, how come the complainants viz. Subramanian and Murugavel are making such wild allegations and the respondent Police not verifying these facts are harassing the petitioner by summoning the petitioner directing him to appear, further petitioner's apprehension is that Subramanian and Murugavel have political support, close to men in power, he apprehends physical assault and implication and arrest of petitioner in some false case.

3.The learned Additional Public Prosecutor submitted that the petitioner was needed only for enquiry. One Subramanian and Murugavel lodged complaint. The said Subramanian's complaint is that the petitioner had cheated a sum of Rs.7.6 Crores and the complaint of the Murugavel is that a sum of Rs.12 Crores money is cheated. These two persons were entrusted with the work of Coastal Disaster Risk Reduction Programme, they have invested and executed the work. The said Kumareson/petitioner herein received the tender amount from the Puducherry Government, failed to make due payments to the Murugavel and Subramanian, for verifying the same, the petitioner is called for enquiry. The Apex Court guideline is that in commercial transaction disputes preliminary enquiry to be done. When the summons were earlier sent, the petitioner immediately sent representation seeking some time to produce the materials confirming payments made. Earlier to the petitioner adopted the same method, after receipt of summons and not appeared before the respondent police. Now the petitioner filed a petition alleging that he is called for enquiry and harassed. Calling for enquiry by the Law Enforcement Officer on summons cannot be termed as harassment, if the petitioner appears before the respondent Police, gives his explanation with available materials, the same would be considered and appropriate steps would taken. The petitioner not appearing for summons would be seriously viewed and appropriate steps will be taken.

4.The learned counsel for the petitioner on instruction



submits that the petitioner shall appear before the respondent police on 15.02.2022 without fail with all the necessary documents in support of his defence and he shall prove that a false case is projected by the complainants Murugavel and Subramanian, his only apprehension is that he will be physically harmed by the complainants who have political support. The respondent Police will be a mute spectator.

5.The learned Public Prosecutor (Puducherry) submits that the petitioner's apprehension is unwanted, apart from the complaints of Murugavel and Subramanian, there is no other complaint against the petitioner, further during enquiry of the petitioner, there will be no harassment or harm as apprehended by the petitioner. The petitioner can appear with his Advocate, so that petitioner's misconception is belied.

6.Recording the above submissions, these Criminal Original Petitions are disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dpq/mpl

To

1. The Superintendent of Police(CID),
CID Complex, Police Headquarters,
Puducherry 605 001.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.S.Raghavan, Advocate, S.R.No.7259

CRL.O.P.Nos.25753 & 25754 of 2021

NK(CO)
RGA(14/02/2022)