



Crl.O.P No.31991 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **22.12.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.31991 of 2022

S.Karthikeyan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Maraimalai Nagar Police Station,
Tambaram District.

... Respondent

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents not to harass the petitioners and their family members living in currently living in Villa No.75, Casa Grande Blue, Thirumudivakkam, Chennai 600 044.

For Petitioner : Mr.S.T.Bharath Gowtham

For Respondent : Mr. S.Santhosh
Govt. Advocate (Crl.side)



ORDER

WEB COPY This Criminal Original Petition has been filed to direct the respondents not to harass the petitioners and their family members living in currently living in Villa No.75, Casa Grande Blue, Thirumudivakkam, Chennai 600 044.

2. The learned counsel for the petitioner submitted that in the name of enquiry in Cr. No.580/2022, the petitioner is being harassed by the respondent police and in view of that he was made to transfer money to the complainant's company; the transaction between himself and the *de facto* complainant is civil in nature and it has been exaggerated as a criminal complaint and in which the petitioner is being harassed by the respondent police.

3. The learned Government Advocate submitted that the petitioner is a named accused in the case in Cr. No.580/2022 and he cannot seek shelter from evading the enquiry by filing this kind of petition.



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4. The records would show that the petitioner is also one of the named accused in the complaint given by one Mathyazhagan. Though the complaint has been registered as early as on 26.11.2022, so far the petitioner has not been arrested. It might be true that the petitioner might have transferred some amount at some point of time to the account of the complainant's company. The complaint of the *de facto* complainant is about cheating. The allegation as to the nature of the dispute can be known only if the parties are enquired and their intentions are found. Since the petitioner is a named accused, he has to cooperate with the police for enquiry. It is also equally important to impress the respondent police to adopt only the legal means for enquiry and not any coercive steps.

5. With the above observations, this Criminal Original Petition is disposed.

23.12.2022

Index : Yes/No
Speaking Order : Yes / No
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R.N.MANJULA, J.,

bkn

To:

1. The Inspector of Police,
Maraimalai Nagar Police Station,
Tambaram District.
2. The Public Prosecutor,
High Court, Madras.

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