



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.1089 of 2022

R.Pandi

... Petitioner

vs.

1.The State of Tamil Nadu
rep. by its Superintendent of Police,
Madurai Rural,
Madurai.

2.The Inspector of Police,
District Crime Branch,
O/o. Superintendent of Police,
Madurai Rural,
Madurai.

3.J.Sivasami

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents 1 & 2 herein not to harass the petitioner under the guise of enquiry pertaining to the partnership agreement dated 20.09.2017 executed between the petitioner and the third respondent.

For Petitioner : Mr.K.Vamanan
For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl.)

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for R1 & R2.

2. Considering the nature of relief to be granted, issuance of notice to the third respondent is dispensed with.

3. The petitioner alleges harassment at the hands of the respondent police. To forbear them from doing so, this Criminal Original Petition has been filed.

4. When the matter was taken up for hearing, the learned Government Advocate(crl.side) submitted that the complaint given by the third respondent against the petitioner was enquired into and closed on 01.07.2021. It was on certain terms and conditions.



5. It appears that the petitioner did not adhere to the conditions. I do not want to enter into the factual controversy. Since the petitioner's apprehensions are well founded, the following directions are issued:-

"(a) The respondent police will issue written summons to the petitioner for causing his appearance before him for enquiry. There is no question of orally summoning the petitioner to the police station.

(b) The respondent police will conclude the enquiry within a period of two weeks from the date of receipt of a copy of this order.

(c) If at the end of the enquiry, cognizable offence is made out and the respondent police proposes to register any FIR, the petitioner will be given notice of the same so that the petitioner will have breathing time to move the concerned Court for the relief of anticipatory bail.

(d) If the case is purely civil in nature, the complaint has to be closed."

6. This Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rmi

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Superintendent of Police,
Madurai Rural,
Madurai.

2.The Inspector of Police,
District Crime Branch,
O/o. Superintendent of Police,
Madurai Rural, Madurai.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

Crl.O.P. (MD) No.1089 of 2022
24.01.2022

ck(CO)
TR(04.02.2022) 3P 4C