



WEB COPY



Writ Petition No.19894 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.19894 of 2023

and

W.M.P.No.19229 of 2023

Mohankumar Seshamal

S/o.Seshamal

... Petitioner

-VS-

1.The State of Tamil Nadu
represented by Commissioner of Police,
Greater Chennai,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai – 600 007.

2.The Inspector of Police,
Central Crime Branch,
1, Egmore, Chennai – 600 008.

3.The Inspector of Police,
Central Crime Branch,
Vepery, Chennai – 600 007.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from interfering with the day-to-day business of the petitioner or to take any coercive steps as against him and or his business in the absence of any valid complaint raised as against him or his business as guaranteed under Article 14 and 19(g) of the Constitution of India.



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For Petitioner : Mr.R.Thiagarajan
For Respondents : Mr.A.Gopinath
Government Advocate [Crl.side]

ORDER

This petition has been filed seeking for a direction to the respondents not to interfere with the day-to-day business of the petitioner or to take any coercive steps against the petitioner.

2. Learned Government Advocate [Crl.side] appearing on behalf of respondents, on instructions, submitted that there are four cases pending against the petitioner viz., (i) Crime No.164 of 2017 for offences u/s.406, 420, 506(i) IPC and Sections 3 & 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003; (ii) Crime No.110 of 2018 for offences u/s.406, 420, 506(i) IPC and Sections 3 & 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003; (iii) Crime No.357 of 2018 for offence u/s.420 IPC; and (iv) Crime No.169 of 2022 for offences u/s.406, 420, 506(i) IPC and Sections 3 & 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003. All cases are pending before the CCB, Chennai. In view of the same, the respondents need the presence of the petitioner for enquiry.



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3. In the considered view of this Court, the petitioner cannot escape from attending the enquiry conducted by the respondent police since the investigation has to progress in the four pending cases. In view of the same, by getting a blanket order from this Court, the petitioner cannot avoid attending enquiry called for by the respondent police. By no stretch, the petitioner being called for enquiry during the course of investigation can be considered to be harassment and the petitioner is duty bound to attend the enquiry. It will not tantamount to interference with the business of the petitioner. In the light of the above discussion, this Court is not inclined to grant the relief sought for in this petition.

Accordingly, this Writ Petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking Order/Non-speaking Order
Neutral Citation : Yes/No

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N.ANAND VENKATESH., J

gm

To

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Vepery, Chennai – 600 007.
- 2.The Inspector of Police,
Central Crime Branch,
1, Egmore, Chennai – 600 008.
- 3.The Inspector of Police,
Central Crime Branch,
Vepery, Chennai – 600 007.
- 4.The Public Prosecutor,
High Court, Madras.

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