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Crl.O.P.No.22199 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22199 of 2023

Kishore Balakrishnan

... Petitioner

Vs.

1. The Commissioner of Police,
Commissioner's Office,
Coimbatore – 641 018.

2. The Assistant Commissioner of Police,
City Crime Branch,
Commissioner's Office,
Coimbatore – 641 018.

3. Mr. Mahasin Mallick
Managing Partner,
M/s.Moon Light Jewellery,
Door No.606, Edayar Street,
Coimbatore 641 001.

4. Mr.Riyaz Malik

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, directing the 2nd respondent not to harass the petitioner on the basis of complaint lodged by the 3rd respondent.



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For Petitioners : No appearance
For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

There is no representation for the petitioner. This Criminal Original Petition is filed for a direction not to harass.

2. The learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 states that based on the complaint given by the third respondent Mr.Mahasin Mallick, Managing Partner, M/s.Moon Light Jewellery, a case has been registered against this petitioner for alleged cheating of nearly 706.9 gms of Gold (worth Rs.32 lakhs).

3. In spite of causing summon under Section 41A of the Criminal Procedure Code, 1973, the Petitioner has not participated in the enquiry. It appears that apprehending harassment at the hands of the police, the petitioner is not cooperating in the investigation on complaint against him. It cannot be construed as harassment by the police, unless and until there is a specific allegation of any physical or mental torture/harassment. This sort of petition cannot be entertained and the blanket order can be passed which



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will tantamount to put in spokes in the wheel of investigation. Hence, this

Criminal Original Petition is dismissed.

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Index : Yes/No

Neutral Citation : Yes/No

mac/rpl

To

1. The Commissioner of Police,
Commissioner's Office,
Coimbatore – 641 018.
2. The Assistant Commissioner of Police,
City Crime Branch,
Commissioner's Office,
Coimbatore – 641 018.
3. Mr. Mahasin Mallick
Managing Partner,
M/s.Moon Light Jewellery,
Door No.606, Edayar Street,
Coimbatore 641 001.
3. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

Mac/ rpl

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