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Crl.O.P.No.22284 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22284 of 2023

Saravanakumar

... Petitioner

Vs.

State represented by
The Inspector of Police,
Kumarapalayam Police Station,
Kumarapalayam,
Namakkal District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent police not to harass the petitioner and pass such other or further order.

For Petitioner : Mr.A.M.Asokan

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed for a direction to the respondent police not to harass him under the garb of investigation in the



complaint given by one Mohanraj.

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2. According to the affidavit filed along with the petition, it is clear that there is a money dispute between the petitioner and Mohanraj in connection with the textile goods sold and delivered. The petitioner herein, who gave a cheque for Rs.5,00,000/- towards sale consideration, has not honoured the cheque which has culminated in proceedings under Section 138 of Negotiable Instruments Act, 1881. Meanwhile, a criminal complaint has also been given to the respondent police. In pursuance to the criminal complaint, the respondent police has caused summons under Section 41A of the Criminal Procedure Code, 1973, to the petitioner herein to appear before the respondent police for enquiry on 04.09.2023. The petitioner herein has not appeared before the respondent police, but has come to this Court apprehending that he will be harassed by the police.

3. This Court from the learned Government Advocate (Crl.Side) understands that the second notice under Section 41A Cr.P.C., was also caused to the petitioner to participate in the enquiry scheduled on 13.09.2023, but even to the second summon, he has not appeared. Without adhering the due process of law, the petitioner on imaginary apprehension



that he will be harassed by the police, this Court is unable to countenance such prayer based on imaginary apprehension. The petitioner is directed to appear before the respondent police on receipt of the summons, failing which, the respondent police shall take appropriate action to secure his present. In case, the petitioner appeared before the respondent police on receipt of the summon, he should be treated humanly and there shall not be any violation of personal right and liberty.

4. With this direction, the Criminal Original Petition is disposed of.

03.10.2023

Index : Yes/No

Neutral Citation : Yes/No

mac/rpl

To

1.The Inspector of Police,
Kumarapalayam Police Station,
Kumarapalayam,
Namakkal District.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

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Dr.G.JAYACHANDRAN,J.

Mac/rpl

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