



CrI.O.P.(MD) No.15576 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.09.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

CrI.O.P.(MD) No.15576 of 2023

Velmurugan

... Petitioner

Vs.

1.The Superintendent of Police,
Theni District, Theni.

2.The Inspector of Police,
District Crime Branch,
Theni District, Theni.

3.Veeramanikandan

..Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 2nd respondent that not to harass the petitioner under the guise of enquiry without due process of law.

For Petitioner
For R1 and R2

:Mr.S.M.Anantha Murugan
:Mr.B.Thanga Aravindh
Government Advocate (crl.side)



Crl.O.P.(MD) No.15576 of 2023

WEB COPY

ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking for a direction to the respondent police not to harass the petitioner under the guise of enquiry in Crime No.21 of 2023.

2.It is submitted by the learned counsel for the petitioner that on the basis of a complaint given by the respondent No.3, a case in Crime No.21 of 2023 was registered for the offences punishable under Sections 417 and 420 IPC against one Murugapandi and two others alleging that they have committed the offence of cheating to the tune of Rs.2,00,00,000/-. It is submitted that the said Murugapandi has been doing the business of gold jewels and the petitioner is one of his customers. The petitioner has purchased some jewelry from the said Murugapandi by paying money and in respect of this, the police have issued summons under 41A and, basing on which the petitioner is attending for enquiry and the police have been continuously harassing and therefore, sought for suitable directions.

3.The learned Government Advocate (Crl.side) submits that on a complaint that the said Murugapandi has committed cheating, a case has been registered and



Crl.O.P.(MD) No.15576 of 2023

WEB COPY

during the course of enquiry, the accused No.1, Murugapandi has confessed that he has given the gold jewels to the petitioner and thereby notice has been issued to the petitioner and the petitioner though appeared for enquiry, he has sought some time and instead of again appearing before the police, he has filed this petition before this Court. It is submitted further that the presence of the petitioner is required in Crime No.21 of 2023.

4.Considering the submissions made by the learned counsel on either side and on considering the fact that the police have been enquiring in Crime No.21 of 2023 by following the procedure of giving a notice under 41A, since the enquiry has not been allegedly completed, the petitioner is directed to appear before the police on receipt of summons and the police are directed to strictly follow the procedure contemplated under law during the course of enquiry in Crime No.21 of 2023 and complete the same as quickly as possible, not later than two weeks from the date of receipt of a copy of this order.



Crl.O.P.(MD) No.15576 of 2023

WEB COPY 5. With the above directions, this Petition is disposed of.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

07.09.2023

mm

To

1. The Superintendent of Police,
Theni District, Theni.
2. The Inspector of Police,
District Crime Branch,
Theni District, Theni.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.15576 of 2023

DR.D.NAGARJUN. J.

mm

Crl.O.P.(MD)No.15576 of 2023

07.09.2023