



CrI.O.P.(MD) No.15375 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.15375 of 2023

Ashok Kumar

... Petitioner

Vs.

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

2.The District Crime Branch,
Theni District, Theni.

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 2nd respondent to not to harass the petitioner herein and his family members in the guise of enquiry on the basis of the representation dated 17.08.2023.

For Petitioner :Mr.N.Anandakumar
For Respondents :Mr.B.Thanga Aravindh
Government Advocate (crl.side)



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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.

2.It is submitted by the learned counsel for the petitioner that the petitioner is doing a business of purchase of gold jewelry at Madurai and sell it to the vendors of needy persons in the nearby villages. It is submitted that the petitioner is having business dealings with one, Murugapandi, who has been running the gold jewelry store at Theni in the name of Senthur Jewelry. It is submitted further that the respondent police have been harassing the petitioner though the petitioner appeared in response to the notice and therefore, sought for suitable directions.

3.The learned Government Advocate (Crl.side) submits that on a complaint given by a third person in respect of misappropriation and cheating of gold jewelry, a case has been registered against the accused, by name, Murugapandi in Crime No.22 of 2023 for the offences punishable under Sections 417, 420 and 120(b) IPC and during the course of investigation, the accused No.1 has



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confessed that the gold, which was given by the defacto complainant, was misappropriated and given to the petitioner herein, thereby in that enquiry, the petitioner was called by issuing summons.

4.Since the respondent police have summoned the petitioner only during the course of enquiry in a criminal case, the direction sought for by the petitioner cannot be given. However, the respondent police are directed to issue notice and follow the procedure scrupulously, in case if the presence of the petitioner is required in any case for the purpose of investigation.

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

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

01.09.2023

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To

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



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- 2.The District Crime Branch,
Theni District, Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

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