



Crl.O.P.No.16797 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

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THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.16797 of 2024

1.Rangachari @ Balaji  
2.A.Balamurugan

... Petitioners

Vs.

State Rep.by  
The Inspector of Police,  
CBCID,  
Thiruvannamalai.  
Crime No.1 of 2019

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the respondent herein not to harass the petitioners for the abated FIR in Crime No.1 of 2019.

For Petitioners : Mrs.T.Shyamala  
for M/s.S.P.Harikrishnan

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

**ORDER**

Based on the complaint given by one Prakash alleging misappropriation of the Trust fund by one Muthukumarasamy, police has registered a case in Crime No.1 of 2019 for offence under Sections 406,



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409, 477A & 420 IPC. Subsequently, the said Muthukumarasamy was named as accused in the complaint died on 30.10.2020. Despite that the police is investigating the matter and the present office bearers been summoned.

2. Referring the earlier order passed by this Court permitting the petitioners to operate the bank account and run the Trust, it is submitted that the petitioners been unnecessarily summoned by the police to harass them, when the complaint was not against them and they are subsequent office bearers of the said Trust.

3. On perusing the material placed before this Court, the summons issued to the the Treasurer of the Trust, Rangachari @ Balaji / the 1<sup>st</sup> petitioner and the Secretary of the Trust Balamurugan / the 2<sup>nd</sup> petitioner herein have been called to participate for enquiry on 06.07.2024 with records. Apparently these two petitioners became office bearers only after the demise of the said Muthukumarasamy in the year 2020. Whereas, the alleged complainant in Crime No.1 of 2019 registered on 21.02.2019 naming Muthukumarasamy as sole accused.



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4. In the said circumstances, when this Court has directed the Investigating Officer to complete the investigation in Crime No.1 of 2019 within a period of 12 weeks from the date of receipt of a copy of the order passed in Crl.O.P.Nos.8272 & 13358 of 2020, they thought fit to cause summon only after two years of the said order. This Court finds apparently there is abuse of law causing summons to the petitioners presence on the complaint given in the year 2019 against the person who is no more, this Criminal Original Petition not to harass is allowed.

**18.07.2024**

Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Inspector of Police,  
CBCID,  
Thiruvannamalai.

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



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**Dr.G.JAYACHANDRAN,J.**

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