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CrI.O.P.No.24517 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

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

CrI.O.P.No.24517 of 2024

A.Annamalai Senthil Kumar

... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai Police,
No. 132, Commissioner Office Building,
EVK Sampath Road,
Vepery,
Chennai- 600 007

2.The Assistant Commissioner of Police,
Central Crime Branch,
EDF -1 Wing, No. 132,
Commissioner Office Building,
EVK Sampath Road,
Vepery,
Chennai - 600 007

3.M/s. Indira foundations Pvt. Ltd,
Rep. by its Managing Director,
No. 19, Govindan Street,
Ayyavoo Colony,
Chennai - 600 029

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./
528 BNSS, pleased to direct the 1st and 2nd respondent Police to Not to
harass the petitioner, based on the alleged complaint given by the 3rd
respondent company, on the file of the 2nd respondent Police, Assistant



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Commissioner of Police, Central Crime Branch, EDF - 1 Wing.

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For Petitioner : Mr.B.Kumar, Senior Counsel
for Mr.P.K.Rajesh Praveen Kumar

For R1 & R2 : Mr.K.M.D.Muhilan
Government Advocate (CrI.Side)

ORDER

The petitioner herein is before this Court alleging that the respondent police is harassing him by frequently calling under the guise of enquiry.

2. According to the learned senior counsel appearing for the petitioner, the petitioner was called for enquiry by the respondent police through summon dated 26.09.2024 for his appearance on 27.09.2024, in connect with the complaint by M/s.Indira Foundation Private Limited. The petitioner, acknowledging the receipt of summons, had informed to the Assistant Commissioner of Police that he is on a pilgrimage tour, therefore, he is sending his representation through his counsel. Further, it is stated that the money transaction between the petitioner and one M/s.Beacon Green Tech Ltd., been given a criminal colour of cheating and under the guise of enquiring the matter, the petitioner is put to harassment.



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3. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that a complaint petition forwarded from the Commissioner of Police been taken up for preliminary enquiry. The petitioner was summoned and he appeared once on 18.09.2024, for further summons, he has sent his representation. To ascertain whether the petitioner has committed any act of criminality, the appearance of the petitioner for enquiry is required. The petitioner admits borrowing money from M/s.Beacon Green Tech Ltd., which is involved in process of assembling of renewable energy efficient LED lights and also involved investment of Solar Power Plants. It appears that there is a Joint Venture between the petitioner and the Management of the complainant company M/s.Indira Foundation Pvt.Ltd. In this connection, there is a dispute between the petitioner's company and the complainant's company.

4. On considering the rival submission, this Court is of the view that, the police has to find out whether the transaction between the complainant and the petitioner is purely civil in nature or any element of criminality involved. For that purpose, the petitioner's participation in the enquiry is necessary. Therefore, it is appropriate to direct the respondent police to cause fresh summons to the petitioner herein for appearance.



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On receipt of such summon, the petitioner shall appear before the Investigating Officer and submit the documents in connection with the complaint. If the transaction between the parties is purely civil in nature, the respondent police shall follow the instructions given by the Commissioner of Police dated 09.01.2024 and act in accordance with law.

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

04.10.2024

Index : Yes/No
Neutral Citation : Yes/No
rpl

To

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

Dr.G.JAYACHANDRAN,J.

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