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Crl.O.P.No.27195 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.27195 of 2024

1.Muralidharan

2.Archana

... Petitioners

Vs.

1.The Commissioner of Police,
Gopalapuram, Coimbatore.

2.The Assistant Commissioner of Police,
Pothanur, Coimbatore District.

3.The Inspector of Police,
CCB-I, Coimbatore City,
Coimbatore.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS Act, to direct the respondents 2 and 3 herein not to harass the petitioner and pass any other order or direction.

For Petitioners : M/s.Jeevitha

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Criminal Side)



CrI.O.P.No.27195 of 2024

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ORDER

The first petitioner, a businessman dealing with trading services under the name of MPGA Private Ltd, has faced financial difficulties due to market conditions, Covid-19, and regulatory changes, resulting in significant losses since February 2024. The second petitioner is the wife of the first petitioner. The first petitioner had received funds from 28 investors and issued undated cheques and promissory notes as security. However, due to financial struggles, the first petitioner was unable to repay the investors. The investors harassed the first petitioner, including physically assaulting him and stealing valuables worth Rs.4.5 lakhs on 05.08.2024. Despite filing a police complaint and an insolvency petition in I.P.No.50 of 2024, the harassment continued. The petitioners sought relief in a Criminal Original Petition in CrI.O.P.No.24569 of 2024, seeking not to be harassed in the name of enquiry, but it was dismissed on 04.10.2024. Despite submitting the relevant documents, the petitioners continued to face pressure from the authorities to repay the debts. As a result, the petitioners have filed this petition for a direction to respondents 2 and 3 not to harass the petitioners.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondents.



CrI.O.P.No.27195 of 2024

3. After hearing the parties, it is clear that the petitioners are obligated to cooperate with law enforcement in their investigations, as required by law.

The police are acting within their authority to summon the petitioners for enquiry. There is no evidence of unlawful conduct or harassment by the police. It is also noted that the investors involved in the petitioners' trading business have been adversely affected by the financial losses in the petitioners' business, leading to disputes and claims for repayment. However, this does not justify the petitioners' refusal to engage with the legal process. As such, the petitioners are not entitled to the relief sought, and the petition is dismissed.

12.11.2024

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No

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P.VELMURUGAN, J

r n s

To

- 1.The Commissioner of Police,
Gopalapuram, Coimbatore.
- 2.The Assistant Commissioner of Police,
Pothanur, Coimbatore District.
- 3.The Inspector of Police,
CCB-I, Coimbatore City,
Coimbatore.
4. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.27195 of 2024

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