



Crl.O.P.(MD).No.1745 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD).No.1745 of 2024

S.Ayyam Perumal

... Petitioner

Vs.

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

2.The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the second Respondent not to harass the Petitioner under the guise of an enquiry, in the light of the Petitioner's representation dated 25.01.2024.

For Petitioner : Mr.C.M.Mari Chelliah Prabhu

For Respondents : Mr.T.Senthilkumar
Additional Public Prosecutor



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Petitioner and his family members were repeatedly harassed by the Respondent Police. Therefore, he was forced to file this petition seeking direction not to harass the Petitioner.

3. The learned Additional Public Prosecutor on instructions of the Respondents would submit that the Petitioner is alleged to have misappropriated the amount from the Panchayat Union Funds which was found in the internal audit. The Panchayat President lodged a complaint, based on which CSR No.75 of 2024 was registered and it is pending on the file of the second Respondent. Based on the CSR, the Petitioner was summoned by the second Respondent. Instead of appearing before the Respondent Police, the Petitioner had rushed to this Court by way of filing this Criminal Original Petition seeking direction not to harass the Petitioner.

4. In the light of the reporting ruling of the Hon'ble Supreme Court in the case of *Lalitha Kumari Vs. State of Uttar Pradesh* reported in *2014 (2) SCC 1* and in the case of *Arnesh Kumar Vs State of Bihar* reported in *2014 (8) SCC 273*, the Respondents are directed to issue proper summons by specifying the date and time for appearance of the Petitioner.



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5. As a citizen of this country, the Petitioner is duty bound to co-operate with, either the enquiry or the investigation. On receiving summons with the specified date and time, the Petitioner is directed to co-operate with the Respondent Police regarding enquiry in CSR No.75 of 2024. The Respondents are directed not to harass the Petitioner by calling him or summoning him at odd hours.

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

06.02.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

- 1.The Superintendent of Police,
Tenkasi District,
Tenkasi.
- 2.The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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