



W.P.(MD)No.3297 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3297 of 2022
and W.M.P(MD).No.2897 of 2022

Swarnababu

... Petitioner

Vs.

1.The Superintendent of Police,
Thanjavur.

2.The Deputy Superintendent of Police,
District Crime Branch,
District Police Office,
Thanjavur.

3.The Inspector of Police,
District Crime Branch,
Thanjavur.

4.Shanmugasundaram

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to his summons dated 03.02.2022 and



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on subsequent dates to quash the same and directing the second respondent not to harass the petitioner in the guise of conducting enquiry without resorting to due process of law.

For Petitioner	:Mr.M.Karunanithi
For Respondents	: Mr.B.Nambiselvan Additional Public Prosecutor for R1 to R3 Mr.G.Thiruvartselvam for R4

ORDER

This Writ Petition has been filed challenging the summon dated 03.02.2022 issued by the second respondent, directing the petitioner and his wife to appear on 16.02.2022 and for a consequential direction to the second respondent not to harass the petitioner in the guise of conducting enquiry.

2. The case of the petitioner is that one Sekar is the tenant of the petitioner's wife and the petitioner's wife gave her bank account number to the said Sekar to deposit house rent. However, he deposited huge amount in the account of the petitioner's wife during the year 2019 and



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informed the petitioner's wife that for safety, the amount was deposited in her account and he requested her to withdraw the amount and hand over the same to the three persons, namely, Malathi, Shanmugasundaram, Nanthini. The petitioner's wife has also withdrawn the amount and handed over the same to the said three persons. While so, the second respondent has issued the impugned summon to the petitioner and his wife on the ground that one Shanmugasundaram has lodged a complaint against the petitioner and his wife that they have cheated him by obtaining amount that they will provide job to him. Challenging the same, this Writ Petition has been filed.

3. The learned Additional Public Prosecutor appearing for the respondents Police submits that during the pendency of this Writ Petition, enquiry was conducted and the petitioner is not arrayed as accused and hence, there is no question of harassment.



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4. Recording the submission made by the learned Additional Public Prosecutor appearing for the respondent Police, this Writ Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

24.01.2024

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To:

- 1.The Superintendent of Police,
Thanjavur.
- 2.The Deputy Superintendent of Police,
District Crime Branch,
District Police Office,
Thanjavur.
- 3.The Inspector of Police,
District Crime Branch,
Thanjavur.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J.

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