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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3516 of 2024

Sasikumar, ... Petitioner

Vs

1. The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2. The Inspector of Police,
Colachel Police Station,
Colachel,
Kanyakumari District.

3. Celeslin Mary, ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to pass appropriate order directing the 2nd respondent not to harass the petitioner under guise of enquiry on the basis of the complaint given by the 3rd respondent.

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For Petitioner : Mr.C.M.Appaji

For R1 & R2 : Mr.M.Veeranthiran
Government Advocate (Crl. side)

O R D E R

The learned Counsel for the Petitioner submits that the Petitioner is a boat owner. The third Respondent/defacto complainant is a cousin of the Petitioner. She wanted to join in the fishing business. She invested a sum of Rs.3,00,000/- as partner. She borrowed a sum of Rs.3,00,000/- from some other persons for interest and also invested in the fishing boat business. Subsequently, the fishing boat suffered damages, for which, the Petitioner alone spent for the damages. Subsequently, the third Respondent wanted the money back and the Petitioner also repaid a sum of Rs. 3,00,000/-. Still the third Respondent had given a complaint to the second Respondent. Based on which, the Respondents 1 and 2 had been harassing the Petitioner to attend enquiry. Since the matter is civil dispute, the Petitioner seeks a direction against the Respondents not to involve in the civil dispute.

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2.The learned Government Advocate (Crl.Side) on instructions submits that the third Respondent had joined as a partner in the fishing boat business along with the Petitioner. Subsequently, she wanted to withdraw from the business, for which, a sum of Rs.3,00,000/- was handed over by the Petitioner. Still there is an outstanding. Therefore, she had preferred a complaint with the second Respondent. The second Respondent undertakes that they will follow the circular of the Director General of Police, Head of State Police Force, Tamil Nadu State, Chennai -4 issued in Rc.No. 892914/X1/2020, dated 12.03.2021.

3.Considering the submission of the learned Counsel appearing for the Petitioner and the learned Government Advocate (Crl.Side) appearing for the Respondents 1 and 2, the Respondents 1 and 2 are directed not to involve in the civil dispute and follow the circular issued by the Director General of Police, Head of State Police Force, Tamil Nadu State, Chennai -4 issued in Rc.No.892914/X1/2020 dated 12.03.2021.

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

06.03.2024

NCC : Yes/No
Internet:Yes/No
Index:Yes/No

LR

To

1. The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2. The Inspector of Police,
Colachel Police Station,
Colachel,
Kanyakumari District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SATHI KUMAR SUKUMARA KURUP, J.

LR

CRL.O.P (MD) No.3516 of 2024

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