



CrI.O.P.(MD) No.3952 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3952 of 2024

Nisha,

... Petitioner

Vs

1. The Commissioner of Police,
C.O.P Office,
Tvs Tollgate,
Subramaniapuram,
Trichy 20,
Trichy Town.

2. The Inspector of Police,
Ponmalai Police Station (Crime)
Ponmalai,
Trichy, Trichy District.

3. Nandakumar,
4. Kannadasan,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the 2nd respondent herein not to harass the petitioner at the instigation of the 3rd and 4th respondents herein in the light of her representation dated 05.03.2024.



Crl.O.P.(MD) No.3952 of 2024

For Petitioner : Mr.R.Sundar

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

ORDER

The learned Counsel appearing for the Petitioner submit that the Petitioner before her marriage was working as a staff in a private travel agency. The third Respondent is alleged to have sought employment in a foreign Country. The trip was arranged by the travel agency. He worked for six months in Combodia and also was paid for his job, then he returned India. After retuning to India, he was not interested in going to abroad. Therefore, he sought money back from the Petitioner.

2.It is the contention of the Petitioner that the petitioner was a staff in the travel agency. The private Respondents had wantonly given a complaint and intimidating the Petitioner with the Respondents 1 and 2. On the basis of the complaint given by the private Respondents, the second Respondent summoned the Petitioner through mobile. On her appearance, the second Respondent had threatened that he will register a case and detain the Petitioner. The Petitioner was not given a chance to open up and explain



Crl.O.P.(MD) No.3952 of 2024

her position. Aggrieved by the same, the Petitioner had come before this Court seeking a direction against the Respondent 1 to 5.

3.The learned Government Advocate (Crl.Side) vehemently objected to the submission of the learned Counsel for the Petitioner.

4.Considering the above, the Respondent Police are directed to conduct enquiry as per the reported ruling of the Hon'ble Supreme Court in ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***(2014) 2 SSC 1***, by issuing summons with specifying date and time for the appearance of the Petitioner. If it is found that cognizable offence is made out, the Respondents 1 and 2 shall register a case as per the reported ruling in the case of ***Arnesh Kumar Vs. State of Bihar and another [2014 (8) SCC 273]***, and the Respondent Police shall issue summons under Section 41 A Cr.P.C. to the accused to appear for enquiry and proceed with enquiry. The Respondents 1 and 2 shall follow the circular of the Director General of Police, Tamil Nadu/Head of State Police Force, Chennai-4, in Rc.No. 007301/General I(I)/2019, dated 09.04.2019, warning the Field Officers not to involve themselves in any dispute regarding property and money. The



Crl.O.P.(MD) No.3952 of 2024

Respondents 1 and 2 shall not summon the Petitioner at odd hours.

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5. With the above directions, this criminal original petition is disposed of.

13.03.2024

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

LR

To
1. The Commissioner of Police,
C.O.P Office,
Tvs Tollgate,
Subramaniapuram,
Trichy 20,
Trichy Town.

2. The Inspector of Police,
Ponmalai Police Station (Crime)
Ponmalai,
Trichy, Trichy District.

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

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Crl.O.P.(MD) No.3952 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

LR

CRL.O.P (MD) No.3952 of 2024

13.03.2024