



Crl.O.P.(MD) No.3948 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3948 of 2024

P.Murugesan,

... Petitioner

Vs

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

2. The Inspector of Police,
Somanathapuram Police Station,
Sivagangai District.

3. Chinnakannu,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to direct the 2nd respondent not to harass the petitioner based on the
false complaint of the 3rd respondent under the guise of enquiry,

For Petitioner : Mr.V.Malaiyendran

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



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ORDER

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The learned Counsel appearing for the Petitioner submit that the Petitioner had filed this petition seeking a direction against the Respondents 1 and 2 not to harass the Petitioner on the basis of the complaint given by the third Respondent.

2.It is the contention of the learned Counsel appearing for the Petitioner that the dispute between the third Respondent and the Petitioner is with regard to money transaction. Based on the representation given by the third Respondent, dated 04.03.2024, the Respondents 1 and 2 are harassing the Petitioner.

3.The learned Government Advocate on instructions of the Respondents 1 and 2 submit that the Petitioner is a broker dealing with cutting and removing of seemakaruvelam Trees. He is alleged to have received a sum of Rs.50,000/-as advance amount from the third Respondent for cutting and removing Seemakaruvelam Trees. It is the further contention of the learned Government Advocate (CrI.Side) that the



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Petitioner indulges in activities, where he has no right without informing the owner of the land concerned, he used to receive money from who want to cut and remove Karuvelam Trees. It is the contention of the learned Government Advocate that as per the complaint of the third Respondent/defacto complainant, the Petitioner borrowed a sum of Rs. 50,000/- and Rs.93,000/- for cutting and removing of the karuvelam trees, for which, the Petitioner is not the land lord and the land belongs to sixteen people from Kappadai village.

4.Considering the submission of the learned Government Advocate (CrI.Side) and the learned Counsel appearing for the Petitioner, the Respondents 1 and 2 are directed to issue summons specifying the date and time for the appearance of the Petitioner. They are directed to follow the guidelines issued by the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***(2014) 2 SSC 1*** and in the case in ***Arnesh Kumar Vs. State of Bihar and another [2014 (8) SCC 273]***, and on such summons, the Petitioner as a citizen of this Country, is duty bound to appear before the officers concerned. The Respondents 1 and 2 shall follow the guidelines issued by the Hon'ble Supreme Court in the



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above said cases as well as 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. If on the other hand, cognizable offence is made out, the Respondents 1 and 2 are within the powers to register a case and proceed with the investigation. In such case also, summons under Section 41 A Cr.P.C. shall be issued to the accused to appear for enquiry. The Respondents 1 and 2 shall not summon the Petitioner at odd hours.

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

13.03.2024

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

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To

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

2. The Inspector of Police,
Somanathapuram Police Station,
Sivagangai District.

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



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SATHI KUMAR SUKUMARA KURUP, J.

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