



*Crl.O.P.(MD).No.4355 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.03.2024

CORAM:

**THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP**

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C.Vaishnudevan

... Petitioner

Vs.

1.The Commissioner of Police,  
Madurai City,  
Madurai.

2.The Assistant Commissioner of Police,  
Thallakulam Division,  
Madurai City.

3.The Inspector of Police,  
Thallakulam Crime,  
Madurai City,  
Madurai.

4.Nakin Renganayaki

...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 on the basis of the alleged complaint given by the fourth Respondent dated not known.

For Petitioner : Mr.A.Balaji

For R-1 to R-3 : Mr.M.Veeranthiran  
Government Advocate  
(Criminal Side)



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## **ORDER**

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The learned Counsel for the Petitioner submitted that the Petitioner had given a complaint to the Respondents 1 to 3 regarding payment of amount by the Petitioner through bank transaction to the fourth Respondent for registering the trust at Delhi. An organization was formed exclusively by the descendants of the veterans in the second world war. The motive of the trust is to offer food, donations to the poor, needy people. It is the contention of the learned Counsel for the Petitioner that having received the same, no steps have been taken by the fourth Respondent to register the Trust. While so, the fourth Respondent, by making false representation that she needs further amount to register the said Trust at Delhi, demanded the Petitioner to give some more money and the Petitioner also given the amount demanded by the fourth Respondent.

2. It is the further contention of the learned Counsel for the Petitioner that the Petitioner instituted the trust in the name and style of Sivambika Yogalaya Trust for which the Trust had received several donations. While so, the fourth Respondent had illegally swindled all the amount of the Trust by transferring the same to her account. Aggrieved over the same, the Petitioner preferred a complaint with the Respondent Police. In the meanwhile, the fourth Respondent also preferred a complaint with the Respondent Police. The Respondent Police



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conducted enquiry, as though the Petitioner is involved in the alleged occurrence. Therefore, the Petitioner seeks direction of this Court against the Respondent Police not to harass him under the guise of enquiry.

3. The learned Government Advocate (Criminal Side), on instructions from the Respondents 1 to 4 would submit that the trust is registered in Delhi. The Petitioner was also a member of the trust along with the fourth Respondent. The Petitioner's name was not entered in the trust. However, the fourth Respondent name was entered in the trust. The fourth Respondent also given a complaint against the Petitioner. Therefore, the subject matter is pending for obtaining legal opinion. The second Respondent issued summons to the Petitioner to appear before him and the same was received by the Petitioner's mother. Instead of appearing before the second Respondent and offer his explanation, the Petitioner has approached this Court.

4. Considering the submissions of the learned Counsel for the Petitioner and the learned Government Advocate (Criminal Side), this Court directs the Petitioner to co-operate with the pending enquiry and the Respondent Police are directed to act as per the reported ruling of the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***2014 (2) SCC 1***



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and in the case of ***Arnesh Kumar Vs State of Bihar*** reported in ***2014 (8) SCC***

**273**, by issuing proper summons and by specifying the date and time for appearance of the Petitioner.

5. In view of the above, this Criminal Original Petition is closed.

**20.03.2024**

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

To

- 1.The Commissioner of Police,  
Madurai City,  
Madurai.
- 2.The Assistant Commissioner of Police,  
Thallakulam Division,  
Madurai City.
- 3.The Inspector of Police,  
Thallakulam Crime,  
Madurai City,  
Madurai.
- 4.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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