



CrI.O.P.(MD)No.9214 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.9214 of 2024

J.John Britto

... Petitioner

versus

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

2. The Inspector of Police,
City Crime Branch,
Trichy City.

3. M.Sudhakar

... Respondents

Petition filed under Section 482 of Cr.P.C., to direct the second respondent not to interfere in the civil dispute that exists between the petitioner and the 3rd respondent in respect of a partnership firm namely “Aspire” having office at Door No.C-123, 5th Cross East, Thillai Nagar, Trichy under the guise of enquiry on the 3rd respondent's foisted complaint.



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For Petitioner : Mr.T.Lenin Kumar

For R1 and R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The petitioner has approached this Court that the respondent Police is harassing him under the guise of enquiry.

2. The learned counsel appearing for the petitioner submits that the petitioner, his friend and the 3rd respondent were partners. Due to a dispute in the partnership firm, the 3rd respondent has lodged a complaint before the respondent Police in the month of September 2023. However, the petition enquiry is kept pending for the past nine months and the respondent Police is often harassing the petitioner under the guise of enquiry. Therefore, the petitioner is before this Court.



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3. The learned Additional Public Prosecutor submits that the respondent Police has conducted a petition enquiry and found that cognizance offence has been made out as against the petitioner. Therefore, a criminal case has been registered against the petitioner in Crime No.19 of 2024, for the offence under Sections 406 and 420 IPC, on the file of the second respondent.

4. Since the FIR has been registered as against the petitioner, this Criminal Original Petition is closed with liberty to the petitioner to challenge the FIR by filing a quash petition, if it has been registered without any cognizable offence. The petitioner can also raise a ground in the quash petition that the petition enquiry has been conducted for more than nine months.

05.07.2024

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



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B.PUGALENDHI, J.

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Trichy.
2. The Inspector of Police,
City Crime Branch,
Trichy City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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