



Crl.O.P.(MD) No.12172 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.12172 of 2024

Suganthi

...Petitioner

Vs.

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

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

3.Muthu.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first and second respondent police not to harass the petitioner in any manner in the guise of enquiry.

For Petitioner : Mr.K.Sivabalan

**For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (Crl. side)**



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ORDER

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The petitioner, who is working as a Typist in the erstwhile Minister's office, has approached this Court seeking a direction to the respondents 1 and 2 not to harass the petitioner in the guise of enquiry.

2. According to the petitioner, she is working as a Typist in the Minister's office, receiving a sum of Rs.7,000/- as salary. The petitioner has used the Minister's EQ pass for booking train ticket. One Mohanraj, who is a TTE in Southern Railway became friend with the petitioner. He induced the petitioner that he would receive amount from some other persons through the petitioner's bank account. When the petitioner questioned the same, he said that since he is a government employee, he cannot receive the amount in his account. Likewise he has received amount from the petitioner's bank account and in turn, he gave meager amount as commission to the petitioner. Now only the petitioner came to know that the said Mohanraj has cheated several persons under job racketing.

3. The learned Counsel appearing for the petitioner submits that the



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petitioner is working for a meagre salary. She is a patient and suffering from several ailments. The third respondent has already lodged a complaint before the Thirupathur City Crime Branch, Thirupathur District and the same was enquired and closed. Even thereafter, the third respondent is continuously lodging complaints as against the petitioner. In fact the petitioner is also a victim at the hands of the said Mohanraj and she has also explained the same to the respondent police. But the respondent police, instead of examining the said Mohanraj, is continuously harassing the petitioner to settle the amount to the defacto complaintant.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the third respondent has lodged a complaint before the Commissioner of Police, Trichy on 07.02.2024 and the same was referred to the second respondent in C.No.2104/PC/CAMP/CO/Trichy2024, dated 07.02.2024 and they are conducting a petition enquiry. During the course of enquiry, the petitioner has admitted that she has received a sum of Rs.9.74 lakhs from the third respondent and out of which, she has returned a sum of Rs.2.40 lakhs. In view of the same, the respondent police have not registered any criminal case and have given some time to the petitioner to



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settle the remaining amount.

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5.This Court has considered the rival submissions made and also directed the respondent police to furnish the copy of the complaint and the other files.

6.On perusal of the complaint, it is seen that the third respondent is in the nature of job racketing. The said Mohanraj, who is working as TTE in the Southern Railway, has informed the third respondent that he can arrange job in the Railways and in the other departments. Believing his words, the third respondent is said to have parted with money to the said Mohanraj, TTE, the petitioner, who is the Assistant of the former Minister and to one Kathiresan, Xaviour, Arun, Sarmila on various occasions to the tune of Rs. 23,90,500 lakhs and the third respondent has also stated that he is pursuing the complaint from the month of January 2023. He is said to have lodged a complaint before the Regional Manager, Railway, Trichirapalli on 27.01.2022 and another complaint before the Superintendent of Police, Thirupathur, on 11.03.2022 and another complaint on 14.05.2022 before the Deputy Commissioner, Ponmalai, Trichy etc.



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7.It appears that all the complaints have been dealt with by the concerned officers. This complaint was lodged before the Commissioner of Police, Trichy on 07.02.2024 and the same is kept pending at the stage of petition enquiry for the past six months. The nature of the complaint appears to be a criminal case, which constitutes cognizable offences. However, the Inspector of Police, for the reasons best known to her, has not taken any action by registering the complaint for the past six months. The police officers are not collection agents, who are expected to collect the amount from the accused by conducting Kangaroo Court. In this case though there is a specific allegation as against one Mohanraj, who is working as a TTE, no action has been taken as against the said Mohanraj.

8.The third respondent has also furnished certain details with regard to the manner, in which, the amount has been transferred to the account of the said Mohanraj and to the petitioner.

9.The second respondent has conducted the enquiry in such a causal manner without taking any proper course of action. Therefore, this Court is



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inclined to dispose of this criminal original petition with a direction to the first respondent to transfer the enquiry from the file of the second respondent and entrust the same with some sincere officer of his choice and ensure that appropriate action has been taken on the complaint of the third respondent. The first respondent is also directed to look into the manner, in which, the enquiry was conducted by the second respondent and take appropriate action. The petitioner shall work out her remedy by filing necessary application under Section 482 of BNSS for anticipatory bail.

31.07.2024

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

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

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

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

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B.PUGALENDHI, J.

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