



Crl.O.P.(MD)No.21311 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21311 of 2024

Gowri

.. Petitioner

Vs.

The State of Tamil Nadu Rep. by

1.The Superintendent of Police,
Virudhunagar District.

2.The Deputy Superintendent of Police,
Virudhunagar District.

3.The Inspector of Police,
District Crime Branch,
Virudhunagar District.

4.The Inspector of Police,
East Police Station,
Virudhunagar District.

5.James and Co.,
Represented by its Manager Marimuthu,
S/o. Rama Moorthy,
No.47, Madurai Road,
Virudhunagar District.

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the respondents 2 to 4 not to harass the petitioner and her
daughter in the guise of enquiry by following the circular issued by the



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Additional Director General of Police, Law & Order, Tamil Nadu, dated 09.01.2024 in Memorandum C.No.18/ADGP/L&O/Camp/2024.

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For Petitioner : Mr.R.Rajamohan

For Respondents : Mr.P.Kottaichamy
No.1 to 4 Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed to direct the respondents 2 to 4 not to harass the petitioner and her daughter in the guise of enquiry by following the circular issued by the Additional Director General of Police, Law & Order, Tamil Nadu, dated 09.01.2024 in Memorandum C.No.18/ADGP/L&O/Camp/2024.

2.The contention of the petitioner is that the petitioner's husband, Manikandan was an agent under the fifth respondent company and he had facilitated the sale of household articles to various customers. Subsequently, the petitioner's husband passed away and the customers have not paid the dues. Hence, the petitioner is being harassed by respondents 2 to 4 to settle the dues of the customers. The petitioner is a housewife and she has nothing to do with her husband's business. Further, the third respondent has often been calling the petitioner at odd hours frequently, which is nothing but harassment.



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3.The learned Government Advocate (Crl. side) submits that the petitioner's husband was an agent and he had also purchased the articles to the tune of Rs.27,83,000/- in installments. But the petitioner is neither paying the installment nor returning the goods. Hence, for the offence of cheating and misappropriation, the complaint has been lodged and for the purpose of enquiry, summons was sent to the petitioner. On receipt of the summons, the petitioner had approached this Court terming it as harassment.

4.At this juncture, the learned counsel for the petitioner submits that the petitioner is ready to appear before the second respondent police for enquiry on 12.12.2024.

5.Considering the said undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the second respondent police on 12.12.2024 to give her explanations along with the supporting documents whichever is available and also give the details of the customers, so that the fifth respondent can employ another agent or make other arrangements to collect the dues from the customers.



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Thereafter, the second respondent is directed to complete the enquiry within a period of two months from 12.12.2024.

6. With the above directions, this Criminal Original Petition stands disposed of.

05.12.2024

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

Note: Issue order copy on 10.12.2024

To

1. The Superintendent of Police,
Virudhunagar District.
2. The Deputy Superintendent of Police,
Virudhunagar District.
3. The Inspector of Police,
District Crime Branch,
Virudhunagar District.
4. The Inspector of Police,
East Police Station,
Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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