



Crl.O.P.(MD) No.23454 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2024

CORAM

**THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA
KURUP**

CRL.O.P. (MD) No.23454 of 2023

Sankarguru

... Petitioner

VS

**1.The Superintendent of Police,
Office of Superintendent of Police,
Sivagangai.**

**2.The Inspector of Police,
Manamadurai Police Station,
Sivagangai, Sivagangai District.**

3.Arul Anandh

... Respondents

**PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to direct the first respondent to instruct the second respondent not to
harass the petitioner under the guise of enquiry without due process of law.**

For Petitioner : Mr.R.Ilayaraja

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



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ORDER

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This Criminal Original Petition has been filed to direct the first Respondent to instruct the second Respondent not to harass the Petitioner under the guise of enquiry without due process of law.

2. The learned Counsel for the Petitioner submits that the Petitioner had been summoned and harassed by the Respondent Police. It is the case of the Petitioner that his friend was in Abroad for securing a Job. As per the complaint given by the 3rd Respondent, he had given Rs.1,58,000/- to the Petitioner for securing a Job seven years ago and Only now he is breaking up the issue. Only the Petitioner's mother was summoned and she was also given undertaking. It is the further submission of the learned Counsel for the Petitioner that he had never accepted any money from the 3rd Respondent. Only to harass him, this Complaint had been filed and therefore, he seeks direction not to harass him.

3. The learned Government Advocate (Crl.Side) vehemently objects the same stating that under the pretext of getting a Job, the Petitioner



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received a sum of Rs.1,58,000/-, but he had not secured a Job or return the Money and therefore, the 3rd Respondent had preferred the complaint. Based on which, the Petitioner was called upon by the Respondent Police, by Phone Call. Instead of appearing before the Respondent Police, Petitioner had approached this Court. On the date of Enquiry, the Petitioner's Mother appeared before the 2nd Respondent.

4. Considering the submission made on either side, the Respondents 1 and 2 are directed to act as per the reported ruling of the Hon'ble Supreme Court in the case of *Arnesh Kumar Vs. State of Bihar and another [2014 (8) SCC 273]*. The Petitioner is also directed to appear before the Respondent Police on summons.

5. With the above directions, this Petition is disposed of.

02.01.2024

Internet: Yes/No
Index: Yes/No
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SATHI KUMAR SUKUMARA KURUP, J.

LS

To

- 1.The Superintendent of Police,
Office of Superintendent of Police,
Sivagangai.
- 2.The Inspector of Police,
Manamadurai Police Station,
Sivagangai, Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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