



**Crl.O.P.(MD) No.23480 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.23480 of 2023**

1.Muthanan

2.Vijaya

... Petitioners

VS

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

2.The Inspector of Police,  
Thallakulam Police Station,  
Madurai.

3.Manojkumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,  
praying to direct the second respondent not to harass the petitioners under  
the guise of enquiry.

For Petitioners : Mr.M.M.Manivelpandian

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



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## **ORDER**

This Criminal Original Petition has been filed to direct the second respondent not to harass the Petitioners under the guise of enquiry.

2. The learned counsel for the Petitioners submits that the Petitioners had engaged the third Respondent for purchase of Harvesting Machine and had given advance amount. Subsequently, the Petitioners changed their mind and wanted to get the money back, the third Respondent did not refund the money. In stead of refund of money, the third Respondent had approached the Respondent Police with a false complaint as though the Petitioners had threatened.

3. The learned counsel for the Petitioners further submits that they had obtained Agricultural Loan of Rs.25,00,000/- and self amount of Rs.7,00,000/-, totally Rs.32,00,000/- had been given to the third Respondent. On summons issued by the Respondent Police, the Petitioners appeared before the 2<sup>nd</sup> Respondent Police. Since the Respondent Police continued to harass the Petitioners, they approached this Court.



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4. The learned Government Advocate (Crl.side) submits that the dispute is with regard to the purchase of Harvesting Machine, subsequently, the Petitioners changed their mind and wanted to get money back. Hence, the 3<sup>rd</sup> Respondent sought time, for which, the Petitioners intimidated him and threatened him. Therefore, the Respondent Police had filed a complaint and after enquiry, C.S.R.No.1489 of 2023 was registered on 14.12.2023.

5. Considering the submission of the learned counsel for the Petitioners and the learned Government Advocate (Crl.side), the Respondents 1 and 2 are directed not to harass the Petitioner. The Respondent Police are directed to act as per the guidelines issued by the Hon'ble Supreme Court in the case of *Arnesh Kumar Vs. State of Bihar and another [2014 (8) SCC 273]*. The Petitioners are directed to appear on summons issued to them by the Respondent Police.



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

**02.01.2024**

Internet: Yes/No

Index: Yes/No

LS

To

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

2.The Inspector of Police,  
Thallakulam Police Station,  
Madurai.

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



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**SATHI KUMAR SUKUMARA KURUP, J.**

LS

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