



Crl.O.P.(MD) No.23472 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.23472 of 2023

PL.Anandh

... Petitioner

VS

1.State Rep. by
The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Additional Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Karaikudi, Sivagangai District.

3.The Inspector of Police,
Karaikudi South Police Station,
Karaikudi, Sivagangai District.

4.The Sub Inspector of Police,
Somanathapuram Police Station,
Sivagangai District.

5.Balachandran

6.Balamurugan

7.Soundarya

... Respondents



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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the third and fourth respondents not to harass the petitioner and his family members in the guise of enquiry, based on the false complaint given by the respondents 5 to 7, by considering the petitioner's representation dated 19.12.2023.

For Petitioner : Mr.S.Muthukumar
For R1 to R4 : Mr.M.Veeranthiran
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the third and fourth Respondents not to harass the Petitioner and his family members in the guise of enquiry, based on the false complaint given by the fifth to seventh Respondents, by considering the Petitioner's representation dated 19.12.2023.

2. As per the submission of the learned counsel for the Petitioner, the Petitioner had given Contract to one Vishwanathan for putting up Shop Complex, in the course of Contract work, one of the Labours suffered Electrocution. Based on which, a complaint was lodged with the Police and



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based on the complaint, the Petitioner had been harassed by the Respondent Police. Therefore, the Petitioner approached this Court seeking not to harass.

3. The learned Government Advocate (Crl.Side) objects the submissions of the learned counsel for the Petitioner that the said Vishwanathan is the Sub-Contractor. Based on the complaint of the relative of the injured, the Sub-Contractor - Vishwanathan had paid Rs.1,80,000/- to the family of the injured person and also give assurance to pay a sum of Rs.5,0,000/-. The submission of the Petitioner cannot be accepted since he happens to be the owner of the property for whom the construction was going on. Therefore, he cannot claim that he is in no way connected with the case.

4. By way of rejoinder, the learned counsel for the Petitioner submits that the Petitioner had given a Contract to one Balakrishnan, in turn, he had given Sub-Contract to one Viswanathan.



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5. Considering the submission of the learned counsel for the Petitioner and the learned Government Advocate (Crl.side), 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 Petitioner is directed to appear on summons issued to him by the Respondents 1 to 4 and also co-operate to the pending enquiry.

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

02.01.2024

Internet: Yes/No
Index: Yes/No
LS

To

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.



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- 2.The Additional Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Karaikudi, Sivagangai District.
- 3.The Inspector of Police,
Karaikudi South Police Station,
Karaikudi, Sivagangai District.
- 4.The Sub Inspector of Police,
Somanathapuram Police Station,
Sivagangai District.
- 5.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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