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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2025

CORAM

THE HONOURABLE **MR.JUSTICE P. DHANABAL**

Crl.O.P(MD)No.1944 of 2025

S.Gangatharan

... Petitioner

Vs

1. The Superintendent of Police,
O/o.The Superintendent of Police,
Virudhunagar District.

2. The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.

3. The Inspector of Police,
Economic Offences Wing,
Virudhunagar District.

4. Prabhu Enterprises and Srisai Super Market,
Rep by its Proprietor,
Mr.Vignesh Venkatasamy,
No.44,Strn Street,
Vadukarkottai, Aruppukottai,
Virudhunagar.

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to issue a direction to the respondents 1 to 3 not to harass the petitioner under the guise of enquiry in respect of the business transactions



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relating to the civil suit in O.S.No.176 of 2024 on the file of Learned Principal District Munisif, Rajapalayam pending disposal of the criminal original petition.

For Petitioner : Mr.A.Sivaji,

For R1 and R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to the respondents 1 to 3 not to harass the petitioner under the guise of enquiry in respect of the business transactions relating to the civil suit in O.S.No.176 of 2024 on the file of the learned Principal District Munisif, Rajapalayam.

2.According to the petitioner, he is running a business in the name and style of "Marakkaar Briyani", which is a proprietorship concern. In order to develop the business, he entered into franchise agreement with various persons from various districts. To that effect, the company has taken all the steps to open the shops in all the places. However due to unavoidable circumstances, works were not completed within the stipulated



time. While so, based on the false information, people have given complaint in their locality. Therefore, the petitioner has filed the civil suit in O.S.No.176 of 2024, before the learned Principal District Munsif, Rajapalayam and all the franchise are party to the said suit. Taking advantage of the complaint, the respondent police 1 to 3 started to threaten the petitioner and made harassment under the guise of enquiry. Therefore, he filed this petition.

3.The learned Additional Public Prosecutor appearing for the respondent police 1 to 3 would submit that more than thirty complaints have been received as against the petitioner and now the enquiry is going on. The respondent police will complete the enquiry within a period of three weeks.

4.Considering the nature of relief sought for, this Court is inclined to pass orders without issuing notice to the fourth respondent. Considering the rival submissions and recording the submissions of the learned Additional Public Prosecutor, the respondent police 1 to 3 are directed to complete the enquiry, within a period of three weeks, from the date of this order, on merits and in accordance with law.



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5. With the above observations and direction, this Criminal Original Petition is disposed of.

05.02.2025

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

To

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Virudhunagar District.
2. The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
3. The Inspector of Police,
Economic Offences Wing,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

LR

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