

Crl.O.P(MD)No.4852 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.4852 of 2025

R. Prabhu

... Petitioner

Vs

1. The State of Tamil Nadu,,
Rep. by the Superintendent of Police,
Thoothukudi District, Thoothukudi.

2. The Inspector of Police,
South Police Station
Thoothukudi.

3. Nellaippan

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to direct the 2nd respondent not to harass the petitioner in the guise of the enquiry in the light of the petitioner's representation, dated 08.03.2025.

For Petitioner : Mr.C.Saravanakumar

For Respondents : Mr.M.Vaikkam Karunanithi (R1,2)
Government Advocate (Crl.Side)

Mr.S.Ashok (R3)



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ORDER

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This Criminal Original Petition has been filed to direct the 2nd Respondent not to harass the petitioner in the guise of the enquiry in the light of the petitioner's representation, dated 08.03.2025.

2. According to the petitioner, the petitioner was working at Potrivel Pillai & Sons Shop and the same was closed. Thereafter, the petitioner was appointed in the shop of one Lakshmanan. The said Lakshmanan used to collect the money from his customers through the petitioner's daughter's account, in order to get exemption from the income tax. In this regard, there was some misunderstanding between the third respondent and the said Lakshmanan. Thereafter, the said Lakshmanan not allowed the third respondent in his shop. On 18.12.2024, the said Lakshmanan was admitted in the hospital as inpatient and at that time the said Lakshmanan instructed the petitioner to maintain account of his shop till his discharge from the hospital. While so, the third respondent and his wife along with one Arunachalam informed the petitioner that the said Lakshmanan was affected due to mental illness and he was under the custody of one Auditor Santhiya. The said Santhiya tried to manage the shop account, which was



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questioned by the petitioner. Due to that motive between the petitioner and the third respondent, they forcibly taken the management of the shop of the Lakshmanan. Immediately, the third respondent has lodged a complaint before the second respondent and the petitioner also appeared for enquiry. The second respondent without conducting proper enquiry threatened the petitioner. Therefore, the petitioner has sent a representation on 08.05.2025 and the same has not been considered.

3. The learned counsel appearing for the third respondent would submit that the petitioner had misappropriated a sum of Rs.28 lakhs and thereby, the third respondent has lodged a complaint before the second respondent. Without appearing for enquiry, the petitioner has filed this petition in order to evade payment.

4.The learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 would submit that the third respondent has lodged a complaint for misappropriation of fund, therefore, they want some documents from the petitioner and the petitioner also assured to produce the documents. However, without producing the aforesaid documents, the petitioner has filed this petition.



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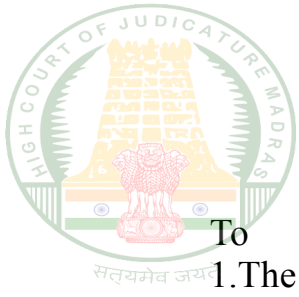
5.Since the prayer of the petitioner is not to harass him under the guise of enquiry and the second respondent has also denied the allegations made by the petitioner and based on the complaint given by the third respondent they called the petitioner for enquiry and the same is pending, it is for the second respondent to complete the enquiry and to dispose of the same.

6.In view of the above, this Court hereby directed the second respondent to complete the enquiry based on the complaint of the third respondent and the representation of the petitioner, dated 08.03.2025 within a period of 15 days from the date of this order, in accordance with law.

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

17.03.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
PNM



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To

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

2. The Inspector of Police,
South Police Station
Thoothukudi.

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



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P. DHANABAL, J.

PNM

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