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CrI.O.P.(MD)No.22840 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.22840 of 2024

P.Moses

... Petitioner

-Vs-

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

2.The Inspector of Police,
District Crime Branch,
Thoothukudi District.

3.Sukash

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to direct the second respondent not to harass
the petitioner on the complaint given by the third respondent.

For Petitioners	: Mr.R.Anand
For R1 & R2	: Mr.A.Thiruvadi Kumar Additional Public Prosecutor
For R3	: Mr.S.Vishnuvardhan

ORDER

This Criminal Original Petition has been filed seeking a direction
to the respondent police not to harass the petitioner based on the
complaint given by the third respondent.



2.The case projected against the petitioner is that the third respondent had business transaction with one J.S.S.Enterprises and there arose some money disputes. The third respondent on the ground that the petitioner herein has got proximate relationship with the above said concern, lodged a complaint against the petitioner. Based on that complaint, the petitioner was called for enquiry.

3.The learned counsel for the petitioner submits that the petitioner has nothing to do with the said J.S.S.Enterprises and it is purely a business and commercial transaction between the third respondent and the said concern. According to the petitioner, the third respondent had business dealing with one Karthick and the petitioner has known the said Karthick and hence, the petitioner has been unnecessarily got into the picture and is being harassed.

4.The learned counsel for the third respondent submitted that the petitioner from the very inception with an intention to cheat the third respondent, had received the amount by giving false promise and all the entire amount has been transferred through Bank account and after receiving the amount, the accused persons cheated the third respondent.



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5.The learned Government Advocate (Crl.side) appearing for the respondent police submits that based on the complaint of the third respondent a case has been registered against the petitioner. The third respondent has been cheated to the tune of Rs.1,12,12,460/- on the promise of supplying cashew nuts. Out of the said amount, the petitioner had dealt with a sum of Rs.15,33,316/- through his bank account. Investigation on the complaint of the third respondent is in progress. With regard to the petitioner, the petitioner has been called to give explanation with regard to the amount received by him through his bank account and he has not been harassed by the respondent police.

6.In response to the above submission, the learned counsel for the petitioner submits that the petitioner is ready to appear before the respondent police for enquiry.

7.Considering the above said submissions, this Court directs the petitioner to appear before the second respondent police on 09.01.2025 for enquiry. The third respondent is also directed to be present on the said date before the respondent Police. The second respondent is directed to conduct enquiry and complete the same as against the petitioner without any further delay.



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8. With the above direction, this Criminal Original Petition is disposed of.

03.01.2025

Index : Yes/No

Internet : Yes/No

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2. The Inspector of Police,
District Crime Branch,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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