

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 22.07.2015
Delivered on : 04.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.10245 of 2015

B.Balakrishnan

Vs

... Petitioner

1.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai-118.

2.The Assistant Commissioner of Police,
MKB Nagar Sub Division,
Pulianthope Police District,
MKB Nagar, Chennai.

3.Inspector of Police,
Team XV, Land Grabbing Cell,
Central Crime Branch,
Office of the Commissioner of Police,
Greater Chennai city Police,
Vepery, Chennai-7.

4.Inspector of Police,
Team XVI, Land Grabbing Cell,
Central Crime Branch,
Office of the Commissioner of Police,
Greater Chennai city Police,
Vepery, Chennai-7.

5.The Dy. Commissioner of Police,
Pulianthope Police District,
Chennai.

6.The Dy. Commissioner of Police,
Land Grabbing Cell,
CCB, Office of the Commissioner of Police,
Greater Chennai city Police,
Vepery, Chennai-7.

7.The Commissioner of Police,
Greater Chennai city,
Vepery, Chennai-7.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to pass an order to not to harass this de facto complainant in Cr.No.236 of 2013 on the file of the 4th respondent police, by the respondent police in the name of enquiry.

For Petitioner : Mr.T.Jaishankar
For Respondents : Mr.S.Shanmugavelayutham, PP [State]
assisted by Mr.C.Emalias, APP

O R D E R

This petition has been filed against seven respondents for direction not to harass the petitioner.

2. It is the admitted case of the petitioner that he lodged a complaint with the Inspector of Police, P-6, Kodungaiyur Police Station, based on which, a case in crime No.3312 of 2012 under Section 448 IPC was registered on 30.12.2012 against some unknown persons.

3. From the counter filed by the Inspector of Police, P-6, Kodungaiyur Police Station and from the counter filed by the Inspector of Police, Anti Land Grabbing Wing, Central Crime Branch [CCB], it is evident that the Inspector of Police, P-6, Kodungaiyur Police Station, examined some witnesses and altered Sections into 341, 448, 506[ii] IPC read with 467, 468 and 471 IPC and included the names of John Palani, Samson Edward, Sandhiya and Vijayakumar as accused. Since commission of offence under Section 467, 468 and 471 IPC came to light, the case was transferred to the CCB, which specialises in white-collar offences.

4. It is the grievance of the petitioner that after the case was transferred from P-6, Kodungaiyur Police Station to the CCB and during the pendency of the contempt petition No.1073 of 2013, Inspector of Police, P-6, Kodungaiyur Police Station had conducted parallel investigation.

5. In the considered opinion of this Court, there is no credible material to show that parallel investigation was conducted and even if it is conducted, that cannot be faulted. After all, investigation is a process to collect material evidence for the effective prosecution of an offender. In such an endeavour, if two or three police officers join together and collect materials, they cannot be faulted. In this case initially the FIR was registered against unknown persons for an offence under Section 448 IPC and thereafter, during the course of investigation, the police have filed an alteration report altering the penal provisions as well adding the name of four persons as accused in the FIR.

6. Taking into consideration the nature of the offence, the case has been transferred to the CCB and investigation was pursued to its logical conclusion. The police officers have done their best on the complaint given by the petitioner to book the

offenders, despite which, the petitioner has made allegations against them.

7. It is also seen that a complaint has been given by the petitioner on 06.03.2015 against one Krishnamoorthy and six others which is also under enquiry. The police have denied the allegation of harassment and they have stated that they had called the petitioner only for an enquiry on the complaint given by him, which cannot be termed as harassment.

In the result, this petition is devoid of merits and dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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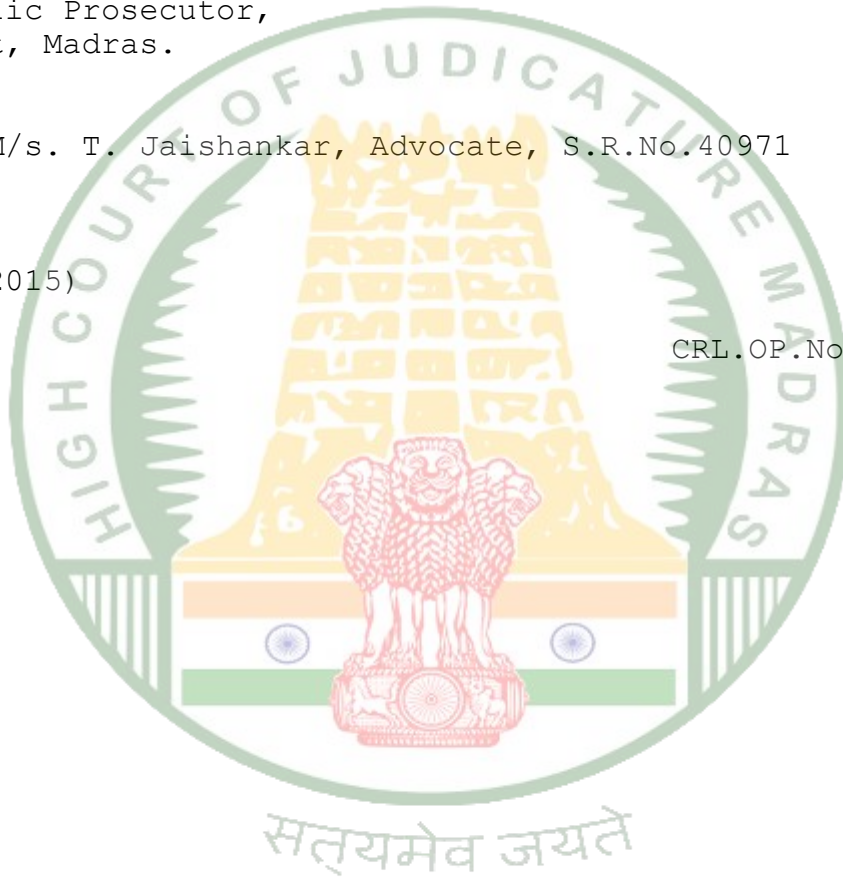
7.The Commissioner of Police,
Greater Chennai city,
Vepery, Chennai-7.

8.The Public Prosecutor,
High Court, Madras.

+2ccs to M/s. T. Jaishankar, Advocate, S.R.No.40971

VSN(CO)
EU(13/08/2015)

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