



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2015

CORAM

THE HONOURABLE Ms.JUSTICE R.MALA

Crl.O.P. (MD) No.14516 of 2015

S.Andichamy

... Petitioner

Versus

1. The Superintendent of Police,
Office of the Superintendent of Police,
K.Pudur,
Madurai - 625 007.

2. The Inspector of Police,
Chekkanoorani Police Station,
Madurai District.

... Respondents

PRAYER:

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the respondents not to harass the petitioner on the guise of enquiry.

For Petitioner : Mr.N.Madhava Govindan

For Respondents : Mr.P.Kannithevan
Government Advocate (Crl. Side)

ORDER

Heard both sides.

2. The learned counsel for the petitioner submitted that the petitioner has come forward with this petition stating that the second respondent is harassing the petitioner under the guise of enquiry on the basis of the complaint given by one Lakhsmanan in C.S.R.No.239 of 2015 and hence, he prayed for direction.

3. At this juncture, the learned Government Advocate(Crl. Side) on instructions submitted that on the basis of the complaint given by one Lakhsmanan in C.S.R.No.239 of 2015, the petitioner was called for enquiry, but instead of appearing before the second respondent police, he has come forward with this petition and he has not faced any harassment at the hands of the second respondent police and hence, prays for dismissal of this petition.

4. Considering the rival submissions and also considering the fact that the petitioner is conducting chit and one of the



subscriber of the chit has given a complaint since he has not received prize amount and the same was taken on file in C.S.R.No.239 of 2015, the second respondent is directed to expedite the enquiry and follow the dictum laid down in *Lalitha Kumari vs. Govt. of U.P & others* [2013 (4) Crimes 243 (SC) and register a case if any cognizable offence is made out and there shall be no harassment to the petitioner, but let the police investigate into the matter in accordance with law and the mandates as found set out in *D.K.Basu Vs. State of West Bengal* reported in AIR (1997) SC 610. If really, the police want to interrogate, it is open for the police to issue summons to the petitioner. Thereupon, the petitioner shall appear before the police and submit himself for interrogation.

5. With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
K.Pudur,
Madurai - 625 007.
2. The Inspector of Police,
Chekkanoorani Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR.N.MADHAVA GOVINDAN, ADVOCATE SR NO.44151

PM

TE: 11/08/2015 : 2P/5C

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