



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2015

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

CRL.OP.(MD)No.21507 of 2015

P.Vinoth Kumar

: Petitioner

Vs.

1.The State Represented by
The Superintendent of Police,
Madurai District, Madurai.

2.The Inspector of Police,
All Women Police Station,
Usilampatti, Madurai

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the Inspector of Police, All Women Police Station, Usilampatti, Madurai District, not to harass the petitioner under the garb of holding an inquiry.

For Petitioner :Mr.R.Anand

For Respondents :Mr.A.P.Balasubramani

Government Advocate(Crl. Side)

O R D E R

The petitioner has come forward with this petition seeking for a direction, directing the Inspector of Police, All Women Police Station, Usilampatti, Madurai District, not to harass the petitioner under the garb of holding an inquiry.

2. Mr.R.Anand, learned counsel appearing for the petitioner would submit that based on a false complaint given by one Vijaya Lakshmi stating that the petitioner has promised to marry her but latter refused to marry her, the respondent police has registered a case in Crime No.64 of 2015, for the offences under Sections 417 and 420 of IPC., on 15.11.2015. He would further submit that both the petitioner and the defacto complainant have got a secured jobs in different fields and the petitioner is now working in Railway and the said Vijaya Lakshmi is working as Police Constable. The learned counsel has also submitted that the said Vijaya Lakshmi by using the police force, trying to harass the petitioner, under the guise of enquiry.

3. Mr.A.P.Balasubramani, learned Government Advocate (crl.side) appearing for the respondents submitted that based on the complaint given by the defacto complainant, a case in Crime No.64 of 2015 has been



registered for the offences under Sections 417 and 420 of IPC. The petitioner, in order to evade the enquiry / investigation has come forward with the present petition, for the relief stated supra.

4. In reply, Mr.R.Anand, learned counsel appearing for the petitioner submitted that the petitioner is willing to participate in the enquiry and appear before the police, as and when required, based on summons.

5. At this stage, Mr.A.P.Balasubramani, learned Government Advocate (crl.side) appearing for the respondents submitted that there is a complaint against the petitioner by the defacto complainant, for which the petitioner has been called for enquiry and there is no such harassment against the petitioner and if any interrogation is needed by the respondents against the petitioner, the norms which are mentioned in the Judgement of Hon'ble Apex Court in *D.K.Basu Vs. State of West Bengal* reported in AIR (1997) SC 610, would be followed in case of interrogation or any further investigation. He would further submit that there will not be any harassment against the petitioner and the enquiry or interrogation would be done in accordance with law.

6. I have heard the learned counsel appearing on either side.

7. Recording the statement of the learned Government Advocate (Crl.side) that the respondent police will not harass the petitioner in future under the guise of any enquiry, the criminal original Petition is disposed of. However, the petitioner cannot use this order to evade the enquiry that is going to be conducted and if any interrogation is needed from the police with regard to any enquiry, it is the duty cast upon the petitioner to participate and co-operate for the enquiry.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

MPK

To

1.The State Represented by The Superintendent of Police,
Madurai District, Madurai.

2.The Inspector of Police, All Women Police Station,
Usilampatti, Madurai

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

+1CC to Mr.R.Anand Advocate Sr.No.66097

GJM/SKS/RR/ARI-26.11.2015-2P-5C