

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.6987 of 2016

Tmt.Senthamarai

... Petitioner

Vs.

1.The Superintendent of Police,
Udhagamandalam, The Nilgiris.

2.State Rep. by
The Inspector of Police,
Town Police Station,
Coonoor, The Nilgiris.

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondents not to harass the petitioner.

For Petitioner : Mr.B.Kumarasamy

For Respondents: Mr.C.Emalias

Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to the respondents not to harass the petitioner.

2.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

3.The learned counsel appearing for the petitioner would submit that one Mallika has given a complaint against the petitioner earlier in Upper Coonoor Police Station and after enquiry, it was closed. Subsequently, the said Mallika has given another complaint to the respondent and on the basis of the complaint given by the said Mallika, the respondent is frequently calling the petitioner under the guise of enquiry and harassing him. Hence, the petitioner has come forward with this petition for the above stated relief.

4.At this juncture, the learned Additional Public Prosecutor

would submit that on the basis of the complaint given by one Mallika, enquiry is going on and there is no harassment. Hence, he prayed for the dismissal of the petition.

5. Considering the rival submissions made on either side, since on the basis of the complaint given by one Mallika, enquiry is going on, the respondent is directed not to harass the petitioner under the guise of enquiry, 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 respondent police to issue summons to the petitioner. The petitioner is directed to appear before the respondent police for enquiry, on receipt of summons.

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

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Udhagamandalam, The Nilgiris.

2. The Inspector of Police,
Town Police Station,
Coonoor, The Nilgiris.

3. The Public Prosecutor
High Court, Madras.

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