

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.10.2016

Coram:

THE HON'BLE Mr.JUSTICE P.VELMURUGAN

CrI.O.P.No.23406 of 2016

K.Kuppusamy

..Petitioner

Vs.

1.The Director
Central Bureau of Investigation
Anti Corruption Branch
Chennai - 600 006.

2.The Investigating Officer,
SPE:CBI:ACB:
Central Bureau of Investigation
Anti Corruption Branch,
Chennai - 6000 006.

..Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent herein viz., the Investigating Officer, SPE:CBI:ACB, Nungambakkam, Chennai not to harass the petitioner herein on the pretext of enquiry by misusing their official power in any manner in future.

For Appellant : M/s.M.Senthamizh Selvan

For Respondent : Mr.K.Srinivasan, Special Public
Prosecutor, for CBI

J U D G M E N T

The Petitioner has filed the present Criminal Original Petition before this Court to direct the 2nd respondent herein viz., the Investigating Officer, SPE:CBI:ACB, Nungambakkam, Chennai not to harass the petitioner herein on the pretext of enquiry by misusing their official power in any manner in future.

2. The petitioner states that on 01.08.2016, the petitioner received notice of witness from the respondent and on the next day (i.e) on 02.08.2016, he received phone call from the respondents to appear before the 2nd respondent on 03.08.2016 and based on such phone call, the petitioner appeared before the 2nd respondent on 03.09.2016 at 10a.m. During the time of interrogation, the petitioner elaborately narrated the facts regarding one Karthikeyan's, Thirumagal Poultry Farms (P) Ltd to the 2nd respondent and put his

signature in the register of the 2nd respondent. The petitioner further states that the petitioner again received phone call from the 2nd respondent on 04.08.2016 for further enquiry at Vijaya Bank, Erode for which the petitioner and Bank Manager waited for the 2nd respondent in front of the said Bank on 04.08.2016 up to 08.00 p.m, but the 2nd respondent did not come. Subsequently, on 24.09.2016, the 2nd respondent called the petitioner for further enquiry on 26.09.2016. Accordingly, the petitioner went for enquiry at Nungambakkam, Chennai on 26.09.2016 at 10 a.m. At that time, the 2nd respondent had beaten the petitioner severally. Hence, this petition has been filed not to harass the petitioner on the pretext of enquiry by misusing their official power in any manner in future.

3. On 24.09.2016 the 2nd respondent called up the petitioner for further enquiry on 26.09.2016 and on 26.09.2016 at 10.00 a.m. the petitioner went to attend the enquiry before the 2nd respondent and at the time of enquiry, the 2nd respondent beaten/harassed the petitioner severally for accepting the case. But, the petitioner no way connected with this case in any manner. He further states that the petitioner is a Hypertension with coronary artery disease patient and taking treatment. Being left with no other alternative remedy, the petitioner approaching this Court for proper direction to the 2nd respondent herein not to harass the petitioner under the pretext of enquiry.

4. The learned counsel for the Special Public Prosecutor submits that it is the duty of the petitioner to appear before the Investigating Officer as and when his presence is required for interrogation. The 2nd respondent has never harassed the petitioner. In order to escape from the enquiry he has falsely filed this petition.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and also perused the materials available on record.

6. On perusal of the records, there is no material to show that petitioner was harassed by the Respondent police. The petitioner has not given any crime number or complaint or FIR lodged against him. The document which is filed by him is only notice to witness under section 160 of Cr.P.C. Police has got power under Section 160 to require attendance of any person as witness. The petitioner has not filed any materials to show that the 2nd respondent is harassing the petitioner. Under the said circumstances, this Court is not inclined to allow the petition.

7. Considering the facts and circumstances of the case, the petition is liable to be dismissed. Accordingly, the present petition is dismissed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

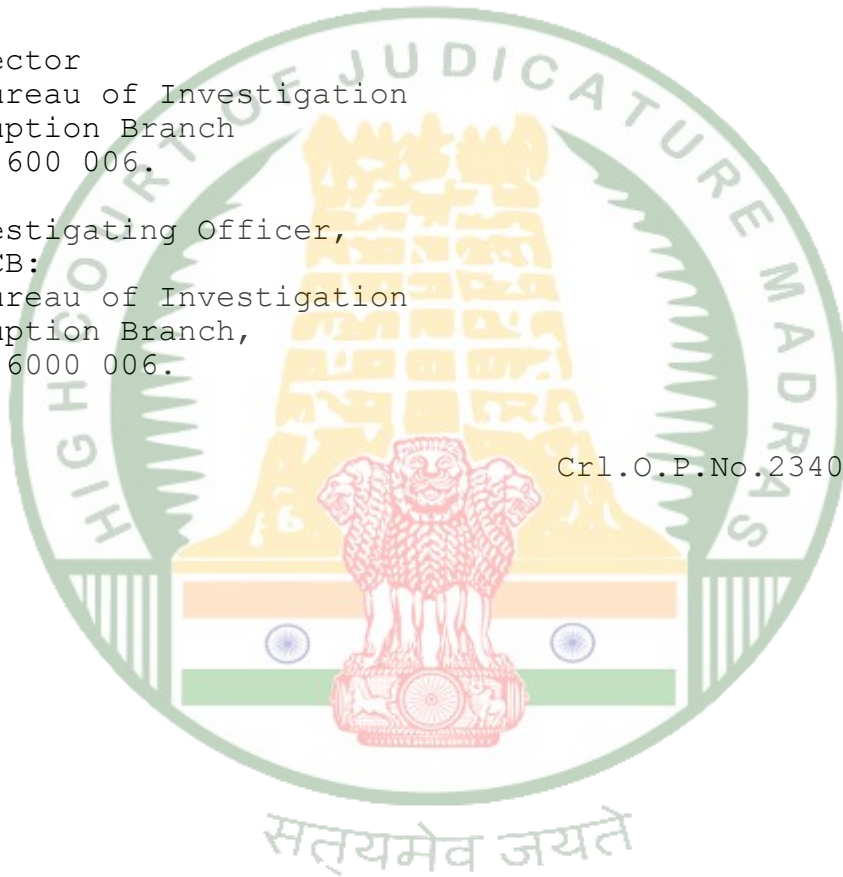
To

1.The Director
Central Bureau of Investigation
Anti Corruption Branch
Chennai - 600 006.

2.The Investigating Officer,
SPE:CBI:ACB:
Central Bureau of Investigation
Anti Corruption Branch,
Chennai - 6000 006.

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