

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.2420 of 2016

K.C.Thiyagarajan

.. Petitioner

Vs.

State represented by

1.The Superintendent of Police
Vellore District, Vellore.

2.The Deputy Superintendent of Police
Vellore District, Vellore.

3.The Superintendent of Police
Salem District, Salem.

4.The Sub-Inspector of Police
Nemili Police Station
Banavaram Circle
Vellore District.

5.The Sub-Inspector of Police
Jolarpettai Police Station
Vellore District.

.. Respondents

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondents not to harass the petitioner under the guise of enquiry.

For Petitioner

:Mr.V.Rajamohan

For Respondents:

:Mr.C.Emaliyas

Addl. Public Prosecutor

O R D E R

This petition is filed to direct the respondents not to harass the petitioner under the guise of enquiry.

2.Learned counsel for the petitioner submits that one Murali Mohan is the sister's son (i.e.) nephew of the petitioner. A complaint was lodged by various persons, who are creditors of Murali Mohan, stating that the said Murali Mohan borrowed amount from various persons and since he has not repaid the same, they lodged the complaint. On that basis, the petitioner

has been facing harassment at the hands of the respondents. Hence, he has come forward with this petition for the above stated relief.

3.Learned Additional Public Prosecutor submits that on the basis of the complaint, the respondents issued summons to the petitioner under Section 160 Cr.P.C., but the petitioner has not appeared for enquiry. He further submits that though the Legal Service Authority, Vellore District, has issued notice to the petitioner for his appearance, he did not attend the same. But the petitioner without facing any enquiry, sought for resort before this Court. Therefore, he prays for dismissal of this petition.

4.Considering the rival submissions made on both sides and on perusing the typed set of papers, it reveals that the petitioner has received summons from both the Deputy Superintendent of Police, Salem District and Sub-Inspector of Police, Jolarpettai Police Station, Vellore District, on the basis of the complaint given by various persons to Human Rights Commission, the petitioner was called for his appearance on 27.01.2016. The petitioner, instead of appearing before the same, has filed this petition on 02.02.2016. Further, on perusal of records shows that the petitioner was called by the Legal Service Authority, Vellore District, for enquiry, on the basis of the complaint given by one Mohanambal and P.S.Saravanan. But the petitioner without appearing before the same, wants to take shelter under this provision. Under such circumstances, I am of the view, the petitioner ought to have appeared before the respondents and he has to co-operate for enquiry. The respondents are 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 police to issue summons to the petitioner. Thereupon, the petitioner shall appear before the police and submit himself for interrogation.

5. The Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police
Vellore District, Vellore.

2.The Deputy Superintendent of Police
Vellore District, Vellore.

3.The Superintendent of Police
Salem District, Salem.

4.The Sub-Inspector of Police
Nemili Police Station
Banavaram Circle
Vellore District.

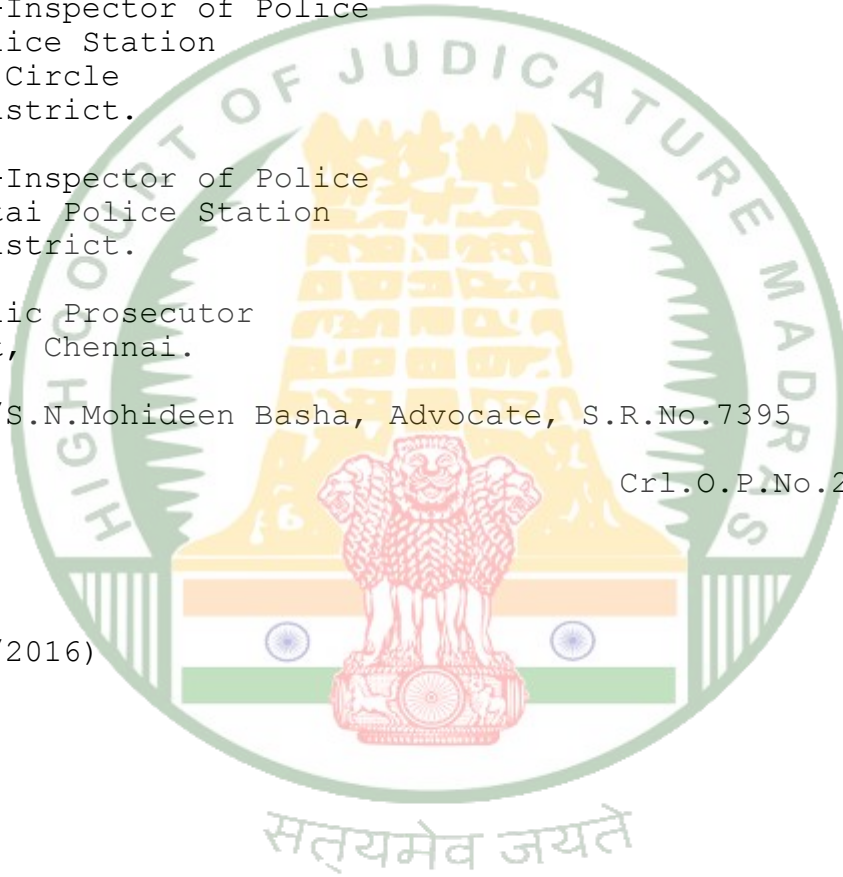
5.The Sub-Inspector of Police
Jolarpettai Police Station
Vellore District.

6.The Public Prosecutor
High Court, Chennai.

+1cc to M/S.N.Mohideen Basha, Advocate, S.R.No.7395

Cr1.O.P.No.2420 of 2016

sr(CO)
srg(15/02/2016)



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