

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17. 11.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.25150 of 2016

R.Raju

...Petitioner

Vs.

1. The State Rep.by
The Inspector of Police
J-4 Kotturpuram Police Station
Chennai.

2. The Commissioner of Police
Vepery, Chennai.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to direct the respondent police and his team not to harass the petitioner on the pretext of enquiry.

For Petitioner : Mr.A.Mohamed Ismail

For Respondents : Mr.C. Emalias
Addl. Public Prosecutor

O R D E R

This criminal original petition has been filed to direct the respondents police not to harass the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. On 11.08.2016, a theft took place in the house of the Magistrate in Egmore Judicial Quarters, in connection with which, the police have registered a regular case. The petitioner was said to be in duty in the house of the Magistrate and therefore, the Investigating Officer has been calling him for the enquiry.

4. Learned counsel for the petitioner submitted that the petitioner had attended enquiry on several dates and has filed the present petition under Section 482 Cr.P.C not to harass him.

5. But, in State of Punjab vs. Davinder Pal Singh Bhullar and others [(2011) 14 SCC 770], the Supreme Court has clearly held that Section 482 Cr.P.C. can be invoked only with respect to matters that are pending on the file of any Subordinate Court to High Court and not before administrative authorities. Therefore, this Court cannot interfere with the powers of the police to conduct investigation under Chapter XII of the Code of Criminal Procedure and issue such directions against the law laid down by the Supreme Court as aforestated.

In the result, this petition is dismissed as being devoid of merits.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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1. The Inspector of Police
J-4 Kotturpuram Police Station, Chennai.
2. The Commissioner of Police
Vepery, Chennai.
3. The Public Prosecutor, High Court, Madras.

+1 cc to M/s.A.Mohammed Ismail Advocate sr 66820

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