

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.3102 of 2016

Babulal

.. Petitioner

Vs.

State, represented by  
The Inspector of Police,  
Salavakkam Police Station,  
Kancheepuram District.

... Respondent

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondent police not to harass the petitioner.

For Petitioner : Mr.V.Vijayakumar  
For Respondents : Mr.C.Emalias  
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for a direction, directing the respondent police not to harass the petitioner under the guise of enquiry.

2. The learned counsel for the petitioner would submit that a complaint has been given by the subscribers of the Gold Chit in Mahalakshmi Jewellers which was running by Meetalal. He further submitted that now the petitioner is running Pooja Jewellers and the respondent police is harassing the petitioner under the guise of enquiry. and hence, he pray for direction directing the respondent police not to harass the petitioner.

3. Resisting the same, the learned Additional Public Prosecutor would submit that the said Meetalal and the petitioner runs a jewellery shop in the name of Mahalakshmi Jewellers and during the course, they have collected subscription from the members as Gold Chit. Thereafter, they have closed Mahalakshmi Jewellers. Hence, the respondent received complaints from the subscribers and hence, the respondent police was forced to call the petitioner for enquiry and they are not making any harassment. Hence, he pray for dismissal of the petition.

4.Considering the rival submissions made by both sides that on the basis of the complaint given by the subscribers of the Gold Chit and since the petitioner was an ex-worker of the said Mahalakshmi Jewellers, he was called for an enquiry, 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 police to issue summons to the petitioner. Thereupon, the petitioner shall appear before the police and submit him for interrogation. The petitioner is directed to co-operate for an enquiry.

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

cse

-s/d-

Assistant Registrar(AS)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,  
Salavakkam Police Station,  
Kancheepuram District.

2.The Public Prosecutor  
High Court, Chennai.

+ 1 cc to Mr.V.Vijayakumar, Advocate SR 9126

rsy(co)  
prk25/2

सत्यमेव जयते

CrI.O.P.No.3102 of 2016

WEB COPY