

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.3175 of 2016

N.Gunasekaran

... Petitioner

Vs.

State, Rep. by its
The Inspector of Police,
Thiruthuraipoondi Police Station,
Tiruvavarur District.

... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent not to harass the petitioner without due process of law.

For Petitioner : Ms.N.Pabitha
For Respondents : Mr.C.Emalias
Addl Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to the respondent not to harass the petitioner without due process of law.

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 the respondent under the guise of petition enquiry is frequently calling the petitioner and harassing him and hence, he prayed for the above stated relief.

4.Resisting the same, the learned Additional Public Prosecutor would submit that the petitioner herein has collected money for getting Government Job and hence, one Dhavaseelan, Arul and Iruthaya Raj have given complaint and the complaint given by Thavaseelan was assigned CSR.No.527 of 2015 and it is pending enquiry and on the basis of the said complaint, the petitioner was called for enquiry and there is no harassment. Hence, he prayed for dismissal of the petition.

5.Considering the rival submissions, since the enquiry is pending on the basis of the complaint given by Thavaseelan in CSR.No.527 of 2015, the petitioner is directed to appear before the respondent police for 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.

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

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s/d-
Assistant Registrar (AS)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Thiruthuraipoondi Police Station,
Tiruvarur District.
2. The Public Prosecutor
High Court, Madras.

+ 1 cc to Ms.N.Pabitha, Advocate SR 10302

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