

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

CrI.O.P.No.3297 of 2016

P.Amutha

... Petitioner

Vs.

1.The Commissioner of Police,
Tiruppur, Tiruppur District.

2.The Inspector of Police,
Tiruppur North Police Station (L&O),
Tiruppur District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the respondent not to harass the petitioner in the guise of calling her for enquiry day to day basis to Tiruppur North Police Station, during pendency of the other proceedings in respect of the very same allegation by ensuring the dignified life guaranteed under Article 21 of the Constitution of India.

For Petitioner :Mr.R.Prabakar
For Respondents :Mr.C.Emalias
Additional 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.The learned counsel for the petitioner submitted that on the basis of the complaint given by the client, the respondents are harassing the petitioner, who is an Advocate, under the guise of enquiry and hence, the petitioner has come forward with this petition for the above stated relief.

3.Resisting the same, the learned Additional Public Prosecutor submitted that it is the dispute between the client and advocate. The client has given complaints before the learned Principal District Judge, Tirupur, as well as to the Bar Council of Tamil Nadu and the proceedings are pending. He further submitted that the petitioner was called upon for enquiry and there is no harassment.

4. On perusal of the typed set of papers, it reveals that the dispute is between the Advocate and her client. It is the case against the petitioner that she has received the court fee amount, to be refunded to her client.

5. Considering the rival submissions made on both sides, the second 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 herself for interrogation.

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

mps

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Tiruppur,
Tiruppur District.
2. The Inspector of Police,
Tiruppur North Police Station (L&O),
Tiruppur District.
3. The Public Prosecutor,
Madras High Court,
Madras.

+ 1 cc to Mr. R. Prabakar, Advocate SR 9527

kgk(co)
prk27/2

Crl.O.P.No.3297 of 2016