

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.3966 of 2016

1.K.Balasubramaniam
2.P.Karuppusamy

.. Petitioners

Vs.

State by
The Inspector of Police
North Police Station, Tiruppur,
Tiruppur District.

.. Respondent

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondent police not to harass the petitioners and their family members in the guise of registering false case and called upon them in everyday day and night.

For Petitioners : Mr.C.Prakasam

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

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

2. The learned counsel for the petitioners would submit that a complaint has been given against the petitioners by one Srinivasan and Boopathy and hence, they moved a petition for anticipatory bail in Crl.O.P.No.30459 of 2015, wherein a direction has been given to the petitioners to appear before the respondent police to co-operate for enquiry. He further submitted that even though the petitioners are co-operating for enquiry, the respondent police directed them to pay the amount. Hence, they come forward with this petition for direction directing the respondent police not to harass the petitioners.

3. At this juncture, the learned Additional Public Prosecutor would submit that on the basis of the complaint given by the said Srinivasan and Boopathy, the petitioners were

called for enquiry, but instead of co-operating with the enquiry, they have come forward with this petition for direction, directing the respondent not to harass the petitioner. Hence, he prayed for dismissal of the petition.

4. Considering the rival submissions made on both sides and on perusing the typed set of papers that on the basis of the complaint given by the said Srinivasan and Boopathy petition enquiry has been pending and at that time, the petitioners have moved a petition for anticipatory bail in CrI.O.P.NO.30459 of 2015, wherein a direction has been given to the petitioners to appear before the respondent police and co-operate for enquiry since they undertook to co-operate with the enquiry and the respondent police is directed to complete the enquiry within a period of eight weeks. But according to the learned Additional Public Prosecutor, the petitioners are not co-operating with the enquiry. Therefore, the petitioners are directed to appear before the respondent police for co-operating with the enquiry as per the direction of this Court in CrI.O.P.No.30459 of 2015. The respondent is directed not to harass the petitioners 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 otherwise they were needed for investigation.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police
North Police Station, Tiruppur,
Tiruppur District.

2.The Public Prosecutor
High Court, Chennai.

+1cc to M.C.Prakasam, Advocate Sr.11937

CrI.O.P.No.3966 of 2016

cnr (CO)
srg (01/03/2016)