

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.4270 of 2016

P.Raju

... Petitioner

... Vs ...

State represented by the Inspector,
District Crime Branch,
Mannargudi Town Police Station,
Tiruvavarur District.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent police not to harass the petitioner.

For Petitioner : Mr.Akhil Akbar Ali
for M/s. BFS Legal

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

Heard both sides.

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

3. The learned counsel for the petitioner would submit that one Shekh Dawood @ Settu had stolen a goat and while fleeing away, he had left his mobile phone. It is further submitted by the learned counsel that during the investigation, the petitioner was informed that his mobile number has been found mentioned in the mobile of Shekh Dawood @ Settu and therefore, the respondent police called the petitioner for enquiry and harassing him under the guise of enquiry and hence, the petitioner has come forward with this petition for the above stated relief.

4. The learned Additional Public Prosecutor, would submit that the petitioner was never called for enquiry and there is no harassment and hence, he prays for dismissal of the petition.

5. Considering the rival submissions made on both sides, the respondent police 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 fresh summons to the petitioner. Thereupon, the petitioner shall appear before the police and submit himself for interrogation.

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

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

Jrl

To

1. The Inspector,
District Crime Branch,
Mannargudi Town Police Station,
Tiruvarur District.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.BFS Legal, Advocate, SR 12464

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PPA(CO)
CA(15.03.2016)

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