

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

CrI.O.P.No.5024 of 2016

Y.Manoj @ Dinesh

... Petitioner

Vs.

1.The Commissioner of Police,  
Office of the Commissioner of Police,  
Vepery,  
Chennai 600 007.

2.The Inspector of Police (Crime)  
K.10 Koyambedu Police Station,  
Koyambedu,  
Chennai.

3.R.Kumar

... Respondents

Prayer :

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

For Petitioner : Mr.M.Kalyani

For Respondents : Mr.C.Emalias for R1 and R2  
Additional Public Prosecutor  
Mr.R.Venkatesh for R3

सत्यमेव जयते  
ORDER

The petitioner has come forward with this petition seeking a direction to the second respondent not to harass the petitioner.

2.Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor as well as the learned counsel appearing for the third respondent.

3.The learned counsel appearing for the petitioner would submit that on the basis of the complaint given by the third respondent, the respondents 1 and 2 are frequently calling him and harassing him and prays for appropriate orders.

4.The learned Additional Public Prosecutor would submit that on the basis of the complaint given by the third respondent, a case in Crime No.316 of 2016 has been registered for the offence punishable under Sections 420, 294(b), 323 and 506(ii) of I.P.C. and this petitioner is arrayed as an accused in the case. He would further submit that the petitioner is not subjected to any harassment. Hence, he prayed for the dismissal of the petition.

5.The learned counsel appearing for the third respondent would submit that on the basis of the complaint given by the third respondent, a case has been registered in Crime No.316 of 2016.

6.Considering the submissions made by the respective learned counsels, even though the petitioner is an accused in Crime No.316 of 2016, the respondents 1 and 2 are 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 really, the police want to interrogate, it is open for the respondent police to issue summons to the petitioner. The petitioner is directed to appear before the respondents police on receipt of summon and co-operate for investigation.

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

s/d-  
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Commissioner of Police,  
Office of the Commissioner of Police,  
Vepery, Chennai 600 007.

2.The Inspector of Police (Crime)  
K.10 Koyambedu Police Station,  
Koyambedu Chennai.

3.The Public Prosecutor High Court, Madras.

+ 1 cc to Mr.M.Kalyani, Advocate SR 21580

nrjk(co)  
prk22/4

Cr1.O.P.No.5024 of 2016