

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

CrI.O.P.No.5358 of 2016

R.Rajesh Kumar

.. Petitioner

Vs.

The Inspector of Police
T-10 Tirumullai voyal police station
Tirumullaivoyal
Tiruvallur District.

... Respondent

Prayer:- Petition has been filed under Section 482 of Cr.P.C. to direct the respondent not to harass the petitioner without any due process of law.

For Petitioner : Mr.K.Jothisivam

For Respondent : Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

This petition is filed for issuing a direction to the respondent not to harass the petitioner under the guise of enquiry.

2.The learned counsel for the petitioner would submit that the petitioner has already filed CrI.O.P.No.23903 of 2015 for the same relief as sought for herein. At that time, the learned Additional Public Prosecutor submitted that the petitioner is not required for any enquiry by the respondent police and the said petition was closed by recording the submissions so made by him. He would further submit that thereafter, on the basis of the complaint again lodged by the defacto complainant, the petitioner has been called for enquiry and was harassed by the respondent. Hence, the petitioner has come forward with this petition for the above stated relief.

3.Learned Additional Public Prosecutor submits that on the basis of the complaint given by one Siva, C.No.14 of 2016 has been given. The petitioner has appeared for enquiry on 07.03.2016 and he undertook to appear before the respondent on 08.03.2016. But the petitioner did not appear for enquiry. Hence, he prays for dismissal.

4.Considering the rival submissions made on both sides, as per the order dated 27.10.2015 made in CrI.O.P.No.23903 of 2015, the petitioner was not required for any enquiry. But the present complaint has been filed only in the year 2016. Further, the file produced by the respondent reveals that the petitioner himself appeared before the respondent police on 07.03.2016 and undertook to appear before him on 08.03.2016, at 6.00 p.m. But the petitioner instead of appearing before the respondent on 08.03.2016, has come forward with this petition. Under such circumstances, the petitioner is directed to appear before the respondent police for enquiry on 13.04.2016 and 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. 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 himself for interrogation.

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

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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police,
T-10 Tirumullaivoyal Police Station,
Tirumullaivoyal, Tiruvallur District.

2.The Public Prosecutor, High Court, Madras.

KR/13/4/16

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