

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.5590 of 2016

Srinivasan

... Petitioner

Vs.

State, rep. by the
Inspector of Police,
District Crime Branch
Dharmapuri District.

... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent herein not to harass the petitioner in the guise of an enquiry except in a manner known to law.

For Petitioner : Mr.V.Sakkarapani

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to the respondent herein not to harass the petitioner in the guise of an enquiry except in a manner known to law.

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

3.The learned counsel appearing for the petitioner would submit that on the basis of the complaint given by one Nallathambi, the respondent is frequently calling the petitioner under the guise of enquiry and harassing him. He would further submit that as soon as the petitioner received summons on 10.02.2016, he appeared before the respondent. He would further submit that the petitioner had also filed Crl.O.P.No.3524 of 2016 for anticipatory bail and in that Crl.O.P., it was represented by the learned Government Advocate (Criminal Side) that neither petition enquiry is pending nor FIR has been registered against the petitioner and on that basis, that Crl.O.P., was dismissed. But, now the petitioner has been called by the respondent police and hence, the petitioner has come forward with this petition for the above stated relief.

4. Resisting the same, the learned Additional Public Prosecutor would submit that on the basis of the complaint given by one Nallathambi, petition enquiry is pending and summons has been issued. Hence, the petitioner has come forward with this petition. Hence, he prayed for the dismissal of the petition.

5. Considering the rival submissions and on perusal of typed set of papers, it is admitted fact that on the basis of the complaint given by one Nallathambi enquiry is going on. According to the petitioner it was closed, but whereas, the learned Additional Public Prosecutor would submit that enquiry is going on. Hence, the petitioner is directed to co-operate for enquiry 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 respondent police to issue fresh summons to the petitioner. The petitioner is directed to appear before the respondent police on receipt of summon. With the above direction, this Criminal Original Petition is disposed of.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
District Crime Branch
Dharmapuri District.

2. The Public Prosecutor
High Court, Madras.

+ 1 cc to Mr.V.Sakarapani, Advocate SR 21582

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Cr1.O.P.No.5590 of 2016