

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

CrI.O.P.No.5729 of 2016

Ramalingam

.. Petitioner

Vs.

1.State By: The Commissioner of Police,
Chennai City,
Vepery, Chennai 600 007.

2.The Inspector of Police (Crime)
Thenampet Police Station,
Thenampet,
Chennai.

.. Respondents

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondents to decide the representation of the petitioner dated 02.03.2016 in accordance with law, and further to direct the respondents not to harass the petitioner, his family members and his employees.

For Petitioner : Mr.P.Pugalenthir

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for a direction, directing the respondents not to harass the petitioner under the guise of enquiry.

2. The learned counsel for the petitioner would submit that the respondents are harassing the petitioner under the guise of enquiry and hence, he pray for direction directing the respondent police not to harass the petitioner.

3. At this juncture, the learned Additional Public Prosecutor appearing for the respondents would submit that on the basis of the complaint given by one Gotesch Jain, a case has been registered in Cr.No.2510 of 2015 for the offences

punishable under Sections 406 and 420 of I.P.C, Further, on the confession statement given by the Accused No.1, the petitioner was arrayed as Accused No.4. He would also submit that investigation is going on and the petitioner was called for enquiry. But the petitioner without appearing before the Investigation Agency for enquiry, has come forward with this petition. Hence, he prayed for dismissal of the petition.

4. Considering the rival submissions, it is seen that the petitioner is arrayed as A-4 in Cr.No.2510 of 2015 for the offences punishable under Sections 406 and 420 of I.P.C. Hence, the respondents are directed not to harass the petitioner during the investigation, 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 is directed to co-operate for investigation.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kkd

To

1.The Commissioner of Police,
Chennai City,
Vepery, Chennai 600 007.

2.The Inspector of Police (Crime)
Thenampet Police Station,
Thenampet,
Chennai

3.The Public Prosecutor
High Court, Chennai.

+1 CC to Mr.P.Pugalthi, Advocate, sr.17598

Cr1.O.P.No.5729 of 2016

ad co

kra 23.03.2016