

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.5783 of 2016

1.D.M.Kumar
2.D.Gopi
3.S.Sekar

.. Petitioners

Vs.

The State rep.by its
The Inspector of Police,
D-3, Korattur Police Station,
Korattur, Chennai.

.. Respondent

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondent police not to harass the petitioners based on the complaint given by the defacto complainant Mrs.Vennila dated 15.02.2016 without any due process of law.

For Petitioners : Mr.S.Jayaseelan

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

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

2. The learned counsel for the petitioner would submit that on the basis of the complaint given by Lakshmi, Padmini and Vennila stating that the petitioner has alleged to have cheated the amount from the de-facto complainant, the respondent is harassing the petitioner under the guise of enquiry and hence, he pray for direction directing the respondent police not to harass the petitioners.

3. Resisting the same, the learned Additional Public Prosecutor appearing for the respondent submit that on the basis of the complaint given by Lakshmi, Padmini and Vennila, enquiry is going on. He would also submit that

the respondent police has not harassed the petitioners. But the petitioners have not co-operated with the enquiry and they have come forward with the false allegations. Hence, he prayed for dismissal of the petition.

4. Considering the rival submissions, 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 him for interrogation.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

kkd

To

1.The Inspector of Police,
D-3, Korattur Police Station,
Korattur, Chennai.

2.The Public Prosecutor
High Court, Chennai.

1 cc to Mr.S. Jayaseelan, Advocate, Sr. 16787

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