

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.5899 of 2016

U.Arun Balaje

... Petitioner

Vs.

1.State rep. by the
Assistant Commissioner of Police,
Crimes (West)
Coimbatore.

2.The Inspector of Police,
B-3, Variety Hall Road
Police Station (Crime)
Coimbatore

... Respondents

Prayer :

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

For Petitioner : Mr.I.Abrar Md Abdullah

For Respondents: Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to direct the respondents herein not to harass the petitioner.

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 under the guise of petition enquiry on the basis of the complaint given by one Vasanthi, the respondents are frequently calling the petitioner and harassing him. He would further submit that the petitioner borrowed a sum of Rs.40,000/- and he repaid the same through one Ali. He is also having receipt and already a complaint was given and it was closed. Now another complaint is given. Hence, the petitioner has come forward with this petition for the above said direction.

4.Resisting the same, the learned Additional Public Prosecutor would submit that one Vasanthi has given complaint and it was assigned CSR No.143 of 2015 stating that she has lent Rs.3 Lakhs and 39 sovereigns of jewels and it was enquired into and closed. Subsequently, she has given another complaint in C.No.274 of 2016 and enquiry is going on. Hence, he prayed for dismissal of the petition.

5.Considering the rival submissions and on perusal of typed set of papers and since, C.No.274 of 2016 is pending, the respondents are 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 summons to the petitioner. Thereupon, the petitioner shall appear before the police and submit him for interrogation. The petitioner is directed to appear before the respondent police for enquiry on receipt of summons.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Assistant Commissioner of Police,
Crimes (West)
Coimbatore.
- 2.The Inspector of Police,
B-3, Variety Hall Road Police Station(Crime)
Coimbatore
- 3.The Public Prosecutor
High Court, Madras.

+1cc to M/s. Abrar MD Abdullah, Advocate, S.R.No.17675

MG(CO)
EU(01/04/2016

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