

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

CrI.O.P.No.5960 of 2016

G.Vasu

.. Petitioner

Vs.

1.The State rep.by its Inspector of Police,
HUDCO Police Station, Hosur,
Krishnagiri District.

2.The State rep.by its Inspector of Police,
City Crime Branch, Coimbatore City.

.. Respondents

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the second respondent not to harass the petitioner and to transfer the complaint for proper enquiry and action according to law to the first respondent.

For Petitioner : Mr.R.Balasubramanian

For Respondents: Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for a direction, directing the second 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 Santosh Kumar, the petitioner was called for enquiry and he was harassed. He would further submit that the petitioner has also given a complaint before the respondent police against the counter petitioner viz., Santosh Kumar. Hence, he has come forward with this petition for the above stated relief.

3. Resisting the same, the learned Additional Public Prosecutor appearing for the respondents submit that on the basis of the complaint given by Santosh Kumar, he was called for enquiry. But the petitioner without appearing before the

investigating agency has come forward with this petition. Hence, he prayed for dismissal of the petition.

4. Considered the rival submissions made by both sides and perused the typed set of papers.

5. On perusal of typed set of papers, it is seen that the petitioner has received summons, but instead of appearing before the respondent police he has come forward with this petition seeking for a direction not to harass. So, the act of the petitioner cannot be appreciated. However, 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 respondent and submit them for interrogation.

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

kkd

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police,
HUDCO Police Station, Hosur,
Krishnagiri District.

2. The Inspector of Police,
City Crime Branch, Coimbatore City.

3. The Public Prosecutor, High Court, Chennai.

+ 1 cc to Mr. R. Balasubramanian, Advocate Sr 16992

KR/24/3/16

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