

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.7583 of 2016

K.Manimaran

... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.

2.State Represented by
The Inspector of Police,
E-4, Mylapore Police Station,
Mylapore,
Chennai - 600 004.

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the second respondent not to harass the petitioner under the guise of enquiry on the basis of the complaint given by one Deivanai dated 23.03.2016.

For Petitioner : Mr.S.R.Raghunathan
for Mr.P.Elango

For Respondents: Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to the second respondent not to harass the petitioner under the guise of enquiry on the basis of the complaint given by one Deivanai dated 23.03.2016.

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 Deivanai, the defacto complainant has sold the property to one Saravanan, the distant relative of the petitioner in which petitioner is the attestor of the document. Property has been mortgaged in Citi Bank by Saravanan and loan

amount has been shared by Devanai and Saravanan. Since the said Saravanan has not re-paid the amount and re-conveyed the property to the defacto complainant, the defacto complainant/Deivanai has given complaint. Hence, the second respondent is calling the petitioner under the guise of enquiry and harassing him. 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 23.03.2016 only the complaint has been given and so far no summons has been issued. He would further submit that the complaint is not only against Saravanan but against this petitioner also. Hence, he prayed for the dismissal of the petition.

5.Considering the rival submissions made on either side and on perusal of typed set of papers, it is known that one Devanai has given complaint against this petitioner and one Saravanan and enquiry is going on. In such circumstances, the second 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 the petitioner is wanted for any interrogation, investigation or enquiry, the second respondent police is directed to issue summons to the petitioner. 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(CCC)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.

2.The Inspector of Police,
E-4, Mylapore Police Station,
Mylapore, Chennai - 600 004.

3.The Public Prosecutor
High Court, Madras.

+ 1 cc to MR.P. Elango, Advocate Sr.21691

Cr1.O.P.No.7583 of 2016

CTK(CO)

EU 26.04.2016