

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.7681 of 2016

G.Viswanathan

... Petitioner

Vs.

1. The State

Represented by the Inspector of Police, (Crimes)
M-3, Puzhal Police Station,
Chennai - 600 066.

2. B.C.Rajesh

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the 1st respondent police not to harass the petitioner and his family members in connection with the 2nd respondent complaint dated 17.03.2016 in Crime No.not known / 2016 pending on the file of the 1st respondent police.

For Petitioner : Mr.P.Arivudainambi
For Respondents : Mr.C.Emalias for R1
Additional Public Prosecutor

ORDER

It is represented by the learned counsel appearing for the petitioner that he is not pressing this petition as against the second respondent and has also made an endorsement to that effect in the petition. In view of the endorsement made by the learned counsel appearing for the petitioner, this petition is dismissed as not pressed as against the second respondent.

2.The petitioner has come forward with this petition seeking a direction to the first respondent not to harass the petitioner and his family members.

3.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

4.The learned counsel appearing for the petitioner would submit that on the basis of the complaint given by one Rajesh, Promoter, the first 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.

5.Resisting the same, the learned Additional Public Prosecutor would submit that one Rajesh has given a complaint against the petitioner and on that basis, the petitioner was called for enquiry, but without appearing before the respondent police, the petitioner has come forward with this petition. Hence, he prayed for the dismissal of the petition.

6.Considering the rival submissions made on either side and on perusal of typed set of papers, it is known that one Rajesh has given a complaint and on that basis petition enquiry is pending. Hence, the first 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 first 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.

7.With the above direction, this Criminal Original Petition is disposed of.
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s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police, (Crimes)
M-3, Puzhal Police Station,
Chennai - 600 066.

2.The Public Prosecutor
High Court, Madras.

+ 1 cc to Mr.P.Arivudainambi, Advocate SR 21680

pvs(co)
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