

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.8383 of 2016

K.Karthick

.. Petitioner

Vs.

1.The Superintendent of Police,
Kanchipuram.

2.The Deputy Superintendent of Police,
District Crime Branch,
Kanchipuram.

3.The Inspector of Police,
District Crime Branch,
Kanchipuram.

.. Respondents

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the third respondent not to harass the petitioner other than due process of law by considering the petitioner representation dated 22.03.2016.

For Petitioner : Mr.K.G.Senthil Kumar

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

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

2.The learned counsel for the petitioners would submit that the petitioner has got appointment in abroad through M/s.Arch Engineers Consultancy after payment of Rs.1 lakh. But, since there was a problem in Visa, the petitioner was not able to go to abroad and hence, he demanded for the amount and the said amount has also been repaid by one Vishnu Pradeep, who is running the said Consultancy. He further submitted that on the

basis of the complaint against the said Vishnu Pradeep stating that he has cheated some of the persons, the third respondent is harassing the petitioner under the guise of enquiry. He would also submit that the petitioner has already appeared before the respondent police and furnished the address of the said Vishnu Pradeep. Hence, he pray for direction directing the respondent not to harass the petitioner.

3. At this juncture, the learned Additional Public Prosecutor appearing for the respondents would submit that one Vishnu Pradeep, who is running M/s.Arch Engineers Consultancy has cheated 93 persons to the tune of Rs.60,000 to Rs.70,000/- per head for getting job in abroad and for getting Visa, he received the passport and other documents. But, neither he got appointment order for the said persons nor returned the amount and other documents. Hence, a case in Crime No.10 of 2016 has been registered against the said Vishnu Pradeep for the offences punishable under Sections 406 and 420 of IPC. He further submitted that some of the amount has been transferred to the petitioner's account and hence, he was called for enquiry. But there is no harassment. 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. Admittedly, one Vishnu Pradeep, who is running a consultancy in the name "M/s.Arch Engineers Consultancy" is alleged to have cheated 93 persons for getting job in abroad, for which, he has received Rs.60,000/- to Rs.70,000/- per head and also other relevant documents. But, he has did not keep up his words. Hence, a case in Crime No.10 of 2016 has been registered against him. But the petitioner herein is not an accused in Crime No.10 of 2016 and he is only a suspected accused. Therefore, the third 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 petitioners. Thereupon, the petitioners shall appear before the police and submit him for interrogation.

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

cse

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

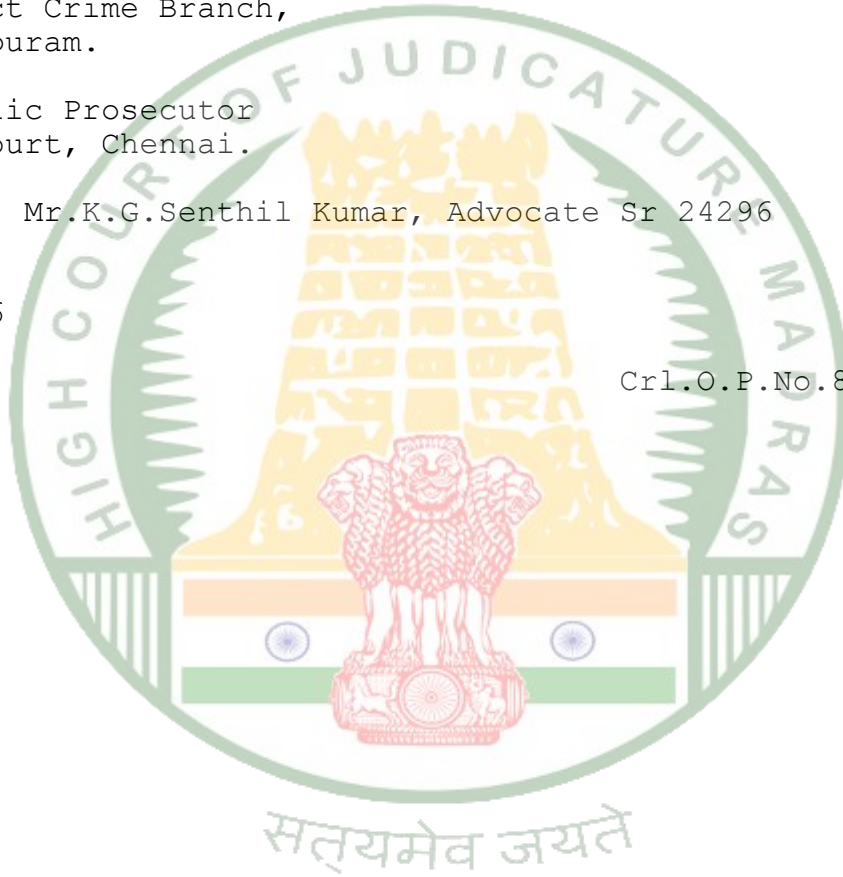
To

- 1.The Superintendent of Police,
Kanchipuram.
- 2.The Deputy Superintendent of Police,
District Crime Branch,
Kanchipuram.
- 3.The Inspector of Police,
District Crime Branch,
Kanchipuram.
- 4.The Public Prosecutor
High Court, Chennai.

+ 1 cc to Mr.K.G.Senthil Kumar, Advocate Sr 24296

KR/28/4/16

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