

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.8589 of 2016

Chinnathambi

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Aayilpatti Police Station,
Namakkal District.

... Respondent

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondent herein not to harass the petitioner in the pretext of enquiry.

For Petitioner : Mr.M.Sivavarthanan
For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for a direction, directing the 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 one Mohan, the respondent is harassing the petitioner under the guise of enquiry and 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 respondent would submit that on the basis of the complaint given by one Mohan, a case in Crime No.39 of 2016 has been registered for the offences punishable under Sections 147, 294(b), 427, 506(ii) of IPC and the petitioner herein is arrayed as Accused No.1. He would further submit that investigation is going on and there is no harassment. Hence, he prayed for dismissal of the petition.

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

5. The petitioner is arrayed as Accused No.1 in Crime No.39 of 2016 for the offences punishable under Sections 147, 294(b), 427, 506(ii) of IPC. However, the respondent police has no business to harass the petitioner. Therefore, 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 police and submit him for interrogation.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

cse

To

1.The Inspector of Police,
Aayilpatti Police Station,
Namakkal District.

2.The Public Prosecutor
High Court, Chennai.

+1 cc to Mr.M.Sivavarthanan Advocate sr.26154

Cr1.O.P.No.8589 of 2016

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