

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.9039 of 2016

M.Govindaraj

.. Petitioner

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
F-4 Thousand Lights Police Station,
Chennai.

.. Respondent

Prayer :-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondent police not to harass the petitioner.

For Petitioner : Mr.R.Sriram

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 petitioners would submit that even though the petitioner and his brother were acquitted in C.C.No.2563 of 2015 on the file of the learned XIV Metropolitan Magistrate, Egmore, the respondent is harassing the petitioner and his brother stating that they want to serve summons under Section 110 of Cr.P.C. 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 respondents would submit that the petitioner is in History Sheet Rowdy No.28/2014 and because of the ensuing Election, they want to serve summons under Section 110 Cr.P.C.. He would also submit that the petitioner instead of receiving the summons, has come forward with this petition for direction, directing the respondent not to harass the

petitioner. 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.The petitioner is in the History Sheet Rowdy list but he was acquitted in C.C.No.2563 of 2015. Because of the ensuing election, the respondent want to serve summons under Section 110 Cr.P.C. In such circumstances, I am of the view that the petitioner shall be directed to appear before the respondent. Accordingly, the petitioner is directed to appear before the respondent police on 30.04.2016 and receive summons. Further, 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.

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

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

cse

To

1.The Inspector of Police,
F-4 Thousand Lights Police Station,
Chennai.

2.The Public Prosecutor
High Court, Chennai.

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kra 28.04.2016

Cr1.O.P.No.9039 of 2016