

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.9284 of 2016

S.Dinesh Kumar

.. Petitioner

Vs.

1. The State rep. by
The Commissioner of Police,
O/o. The Commissioner of Police Campus,
Coimbatore,
Coimbatore District.

2. The Inspector of Police,
B-3 Police Station, Crime Branch,
Kattur, Gandhipuram,
Coimbatore.

.. Respondents

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

For Petitioner : Mr.R.Thirumoorthy

For Respondents: Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for a direction, directing the respondents 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 by one Srinivasan, the respondents are harassing the petitioner under the guise of enquiry and hence, he pray for direction directing the respondent police not to harass the petitioner.

3. At this juncture, the learned Additional Public Prosecutor would submit that the counter petitioner, namely, Srinivasan has already filed a petition before this Court in Crl.O.P.No.173 of 2016, in which a direction has been given on

07.01.2016 to follow the dictum laid down in Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC) and register a case, if any cognizable offence is made out. He further submitted that on that basis, summons has been issued to the petitioner for enquiry, but he has not appeared before the respondents and co-operated for enquiry. Hence, he prayed for dismissal of the petition.

4. Considering the rival submissions made by both sides, the petitioner is directed to appear before the respondents on 30.04.2016 for enquiry. Further, the respondents are 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.

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

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1.The Commissioner of Police,
O/o. The Commissioner of Police Campus,
Coimbatore, Coimbatore District.

2.The Inspector of Police,
B-3 Police Station, Crime Branch,
Kattur, Gandhipuram, Coimbatore.

3.The Public Prosecutor
High Court, Chennai.

+ 1 cc to Mr.R.Thirumoorthy, Advocate SR 26207

ug(co)
prk28/4

CrI.O.P.No.9284 of 2016

WEB COPY