

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.9293 of 2016

T.George Fernandes

.. Petitioner

Vs.

The State rep. by its

1.The Commissioner of Police,
Greater Chennai City Police,
Chennai - 7.

2.The Deputy Commissioner of Police,
St.Thomas Mount Range at
Alandur, Chennai - 16.

3.The Inspector of Police,
S-1 St.Thomas Mount Police Station,
Chennai - 16.

.. Respondents

Prayer :-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the third respondent police, as well as, to higher police officials of them, not to harass the petitioner or subject him to any mental tortures, under the guise of preventive arrests, in furtherance of the petitioner's complaint addressed to all the respondents by post on 15.04.2016.

For Petitioner : Mr.P.Ramaiah

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 even though the petitioner was acquitted in S.C.No.38 of 2011 on the file of the learned Sessions Judge, Chengleput, the third respondent is harassing the petitioner stating that they want to

serve summons under Section 110 of Cr.P.C. and hence, he pray for direction directing the third 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.02/2007 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 third 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 S.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 and receive summons. Further, 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.

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

Sd/-

Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

cse

WEB COPY

To

1.The Commissioner of Police,
Greater Chennai City Police,
Chennai - 7.

2.The Deputy Commissioner of Police,
St.Thomas Mount Range at
Alandur, Chennai - 16.

3.The Inspector of Police,
S-1 St.Thomas Mount Police Station,
Chennai - 16.

4.The Public Prosecutor
High Court, Chennai.

+ 1 cc to MR.P. Ramaiah, Advocate SR.27573

CrI.O.P.No.9293 of 2016

PA(CO)
Eu 03.5.16



WEB COPY