

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.9595 of 2016

B.Shankar

... Petitioner

Vs.

The Inspector of Police,
Central Crime Branch,
Salem.

Crime No.(Not Known) of 2016

... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent not to harass the petitioner.

For Petitioner : Mr.K.S.Karthik Raja

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to the respondent not to harass the petitioner.

2.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

3.The learned counsel appearing for the petitioner would submit that the petitioner has borrowed a sum of Rs.25,00,000/- from one Dhanasekaran and would further submit that the petitioner has already filed I.P. before the Subordinate Court, Salem to adjudge him as insolvent. But, the respondent police at the instance of the said Dhanasekaran, is frequently calling the petitioner and harassing him under the guise of enquiry. Hence, he has come forward with this petition for the above stated relief.

4.At this juncture, the learned Additional Public Prosecutor would submit that the petitioner has received commission amount as if he has made arrangement for loan and cheated 29 persons to

the tune of Rs.20 Crores but, he has neither handed over the amount nor made arrangement for loan and now, he has filed petition for adjudicating him as insolvent. He would further submit that enquiry is going on and since he was not adjudicated as insolvent, he was called for interrogation and there is no harassment and hence, prays for dismissal of the petition.

5.Considering the submissions made on both sides and on a perusal of the typed set of papers, it is known that the petitioner has borrowed a sum of Rs.25,00,000/-, but according to the learned Additional Public Prosecutor, he has received commission amount as if he has made arrangement for loan and cheated 29 persons to the tune of Rs.20 Crores but, he has neither handed over the amount nor made arrangement for loan and all the documents are with the petitioner, hence, on the basis of the complaint given by the 29 persons, petition enquiry is going on and till today, he is not adjudicated as insolvent. Hence, I am of the view that it is a fit case for giving direction.

6.Hence, 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 respondent police to issue summons to the petitioner. However, the petitioner is directed to appear before the respondent police for interrogation on receipt of summons.

7.With the above direction, this Criminal Original Petition is disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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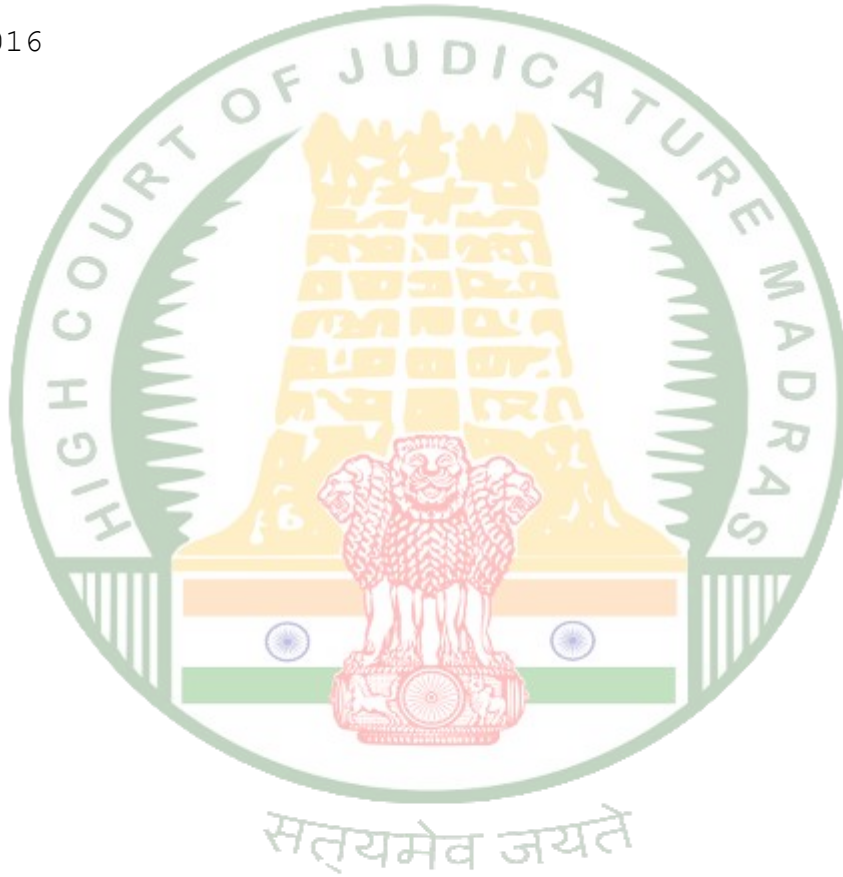
1.The Inspector of Police,
Central Crime Branch,
Salem.
Crime No.(Not Known) of 2016

2.The Public Prosecutor
High Court, Madras.

+1 cc to Mr.K.S.Karthik Raja Advocate sr.26916

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