



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2016

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

Cr1.O.P.(MD).No.17312 of 2016

Chandrakumar

.. Petitioner

Vs.

1.The Superintendent of Police,
Theni District, Theni.

2.The Deputy Superintendent of Police,
Theni Sub Division,
Theni.

3.The Inspector of Police,
Allinagaram Police Station,
Theni District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the 2nd and 3rd respondents herein not to harass the petitioner on the guise of enquiry.

For Petitioner : Mr.C.Jeganathan

For respondents : Mrs.S.Prabha

Government Advocate(Criminal side)

ORDER

It is an application seeking a direction to the respondents 2 & 3 not to harass the petitioner under the guise of enquiry.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1. Side) for the respondents.

3.The learned counsel for the petitioner would submit that a man missing case was registered in Crime No.73 of 2016. Since there is no improvement in the investigation, the wife of the detenu Kalaivanan, filed a H.C.P.(MD).No.188 of 2016 for production of the body of her husband. In that case, this Court directed the Superintendent of Police to appear before this Court. Thereafter, the respondent police suspecting that the HCP was filed at the instance of the petitioner, filed a false case in Crime No.371 of 2016 against the petitioner and he was granted service copy to him in that case. Even thereafter, the respondents are calling the petitioner and harassing him in the guise of enquiry.



4.The learned Government Advocate (Criminal Side) submitted that the case in Crime No.371 of 2016 is registered against this petitioner and only for enquiry purpose, he was called to the police station and they are not harassing the petitioner. However, he gave an undertaking that if at all the presence of the petitioner is required, the respondent would call the petitioner for enquiry only after issuing summons giving specific date, time and place.

5.Recording the above undertaking given by the learned Government Advocate, this Criminal Original Petition is closed with a direction to the third respondent to conduct the enquiry and shall not harass the petitioner.

Sd/
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To

1.The Superintendent of Police,
Theni District, Theni.

2.The Deputy Superintendent of Police,
Theni Sub Division,
Theni.

3.The Inspector of Police,
Allinagaram Police Station,
Theni District.

4.The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/S.C.Jeganathan, Advocate, SR.No. 52313

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PJL
AM/KM/09.12.2016/2P/6C