



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.11832 of 2017

WEB COPY

A.Gurusamy

... Petitioner

-Vs-

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

2. The Inspector of Police,
West Police Station,
Virudhunagar District.

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents not to harass the petitioner under the guise of enquiry without any valid complaint.

For Petitioner : Mr.K.Sivabalan

For Respondents : Mr.K.Anbarasan,
Government Advocate(Crl. Side)

O R D E R

This Criminal Original petition is filed for a direction to the respondents not to harass the petitioner under the guise of enquiry without any valid complaint.

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

3. The petitioner states that after the demise of his father, the second respondent police registered false cases against the petitioner and his elder brother. It is further stated that some cases were ended in acquittal and the other cases were pending for trial. It is further stated that for the past two years, the second respondent police has foisted two cases falsely as against the petitioner under Section 110 of Cr.P.C., and under other sections. It is further stated that in one occasion, the petitioner was arrested, after registering another false case in

Crime No.804 of 2016. It is in these circumstances, the petitioner has come up with the above Criminal Original petition.

4. The learned Government Advocate(Criminal Side) however on instructions submitted that the petitioner is a history sheeted rowdy and that the enquiry was also in connection with some cases and to know about his whereabouts. In such circumstances, he requested that the petitioner need not be shown any indulgence.

5. Even assuming that the petitioner is involved in a criminal case, the petitioner can be called for any enquiry only for reasons. The complaint should be enquired into, as per the guidelines issued by the Hon'ble Supreme court, in the case of **D.K.Basu Vs. State of West Bengal**.

6. Hence, the Criminal Original petition is closed with an observation that the petitioner can be called for enquiry only by issuing summons.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Virudhunagar District, Virudhunagar.
2. The Inspector of Police,
West Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.K.SIVABALAN, Advocate SR.No.77425

pmu

MAS/JC/SAR1:21.09.2017:2P-5C

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