



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGANCRL.O.P.(MD)No.5713 of 2017

WEB COPY

R.Jeyaraj : Petitioner

-Vs-

1.The Inspector of Police,
Andipatti Police Station,
Theni District.

2.Radhikala,
Sub-Inspector of Police,
Vaigaidam Police Station,
Periyakulam Taluk,
Theni District.

3.Thangapandi,
Head Constable,
(Special Team),
Andipatti Police Station,
Theni District.

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondents not to harass the petitioner and his family members under the guise of enquiry.

For Petitioner : Mr.P.Gunasekaran

For Respondents : Mr.A.P.Balasubramani
Government Advocate (Crl.side)O R D E R

This Criminal Original Petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure seeking a direction to the respondents not to harass the petitioner and his family members under the guise of enquiry and also to pass appropriate orders.

2. The learned Counsel for the petitioner would submit that NBW was issued against one Santhakumar, but the petitioner does not know the whereabouts of the said Santhakumar and the respondent police unnecessarily harassed the petitioner and his family members during the night hours also without issuing any process and hence, he prays for a direction to the respondents not to harass the petitioner and his family members under the guise of enquiry.

3. The learned Government Advocate (Crl.Side) would submit that this petitioner is a friend of the said Santhakumar and a criminal case under Section 138 of the Negotiable Instruments Act is pending against him and due to his non-appearance before the Judicial Magistrate concerned, NBW was issued against Santhakumar and in order to execute the NBW and since the petitioner is the friend of Santhakumar, the respondent police have made only an enquiry about the whereabouts of Santhakumar.

4. The learned Counsel for the petitioner would submit that not only the petitioner was harassed, but also the wife of Santhakumar was also harassed by the respondent police and she also has filed a petition before this Court seeking the similar relief as prayed for by the petitioner and got an order and therefore, the petitioner has also approached this Court for the similar order for similar relief.

5. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents and also perused the materials available on record.

6. According to the prosecution, the petitioner is a very close friend of Santhakumar and therefore, in order to execute NBW, the respondent police have made only enquiry to know the whereabouts of Santhakumar and they have not harassed the petitioner. Therefore, considering the facts and circumstances of the case, this petitioner is not entitled to get the relief of this nature. As a citizen, one should co-operate for any investigation and the known information should be shared with the police people. Therefore, if any direction is given by restraining the respondent police, the prosecution agency would not effectively complete their investigation and execute any specific direction issued by any Court.

7. Under such circumstances, this Criminal Original Petition is liable to be dismissed. Accordingly, the same is dismissed.

Sd/-

Vacation Officer/
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police,
Andipatti Police Station, Theni District.
2. The Sub Inspector of Police, Vaigaidam Police Station,
Periyakulam Taluk, Theni District
3. The Head Constable, (Special Team),
Andipatti Police Station, Theni District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.