



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL OP(MD)No.9658 of 2017

K.Anish

: Petitioner

Vs.

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

2. The Inspector of Police,
Karungal Police Station,
Kanyakumari District,
Kanyakumari.

3.K.Kajananth.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, directing the 2nd respondent not to harass the petitioner except under due process of law.

For Petitioner	: Mr.P.R.Prithiviraj
For R-1 and R-2	: Mr.K.Anbarasan, Government Advocate(Crl.Side).

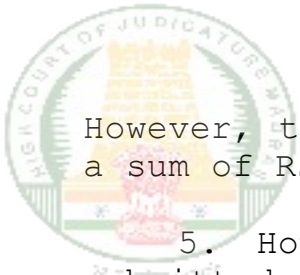
ORDER

This Criminal Original petition is filed seeking a direction to the 2nd respondent not to harass the petitioner except under due process of law.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondents 1 and 2.

3. The learned counsel for the petitioner submitted that under the guise of enquiry on the complaint received against the third party, the second respondent is harassing the petitioner.

4. The grievance of the petitioner is that the petitioner was called for enquiry more than two occasions and that the second respondent had not shown to him the copy of the alleged complaint which was given against the petitioner, by the third party.



However, the second respondent informed him that he he has to pay a sum of Rs.16,00,000/- to one Kajanath within two months.

5. However, the learned Government Advocate(Criminal Side) submitted that no complaint was registered against the petitioner and that there was no enquiry conducted.

6. Though the statement of the learned Government Advocate (Criminal Side) can be recorded, this Court is of the view that the petitioner's contention appears to be true. With regard to the specific allegations of the second respondent, the learned Government Advocate(Criminal Side) has no appropriate instructions.

7. However, without going into the merits of the contentions of the petitioner, this Court is of the view that the petitioner need not be harassed, as no complaint has been received by the second respondent as against the petitioner involving him any crime.

8. In such circumstances, this Criminal Original petition is allowed with a direction to the second respondent not to harass the petitioner. Even if the presence of the petitioner is required for any enquiry, he will be called only after issuing summons prescribing date and time and in the manner prescribed in law.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to Mr.P.R.Prithiviraj, Advocate Sr.No.68727

PMU

VB/KP/SAR4/09/08/2017/2P/5C

**CRL OP(MD) No.9658 of 2017
26.07.2017**