

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.OP.No.21807 of 2018

J.Vengat Raj

...Petitioner

Vs.

1. The Superintendent of Police,
Perambalur District.
2. The Inspector of Police, (Law & Order)
Perambalur Police Station,
Perambalur.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to not to harass or pursue against the petitioner on the name of enquiry by the respondents without any legal base until or disposal of the petitioners property.

For Petitioner : Mr./G. Babu

For Respondents : Ms.M.Prabhavathi
Additional Public Prosecutor

ORDER

This petition has been filed by the petitioner to direct the respondents not to harass the petitioner under the guise of enquiry.

2. The learned counsel for the petitioner has submitted that one Kanangaraj has already filed a Civil Suit by creating forged document in O.S.No.230 of 2015 on the file of the District Munsif Court, Perambalur, seeking specific performance and the same was dismissed. He further submitted that after dismissal of the said suit, the said Kanagaraj approached the second respondent by giving false complaint in the year 2015 and the same was closed after enquiry. Thereafter, the said Kanagaraj gave another false complaint against the petitioner herein on 08.02.2018. Without registering the case, the second respondent for the past seven months frequently called the petitioner and his old aged mother and made harassment and hence he requests to direct the respondents not to harass the

petitioner and his family members.

3. The learned Additional Public Prosecutor has submitted that one Kanagaraj gave a complaint against the petitioner and his family members on 05.02.2018 and the same was numbered as 03/B1PS/PLR/2018. She further submitted that only for enquiry purpose, the petitioner was called but he was not subjected to any harassment.

4. Admittedly, the complaint is pending for the past seven months. If the said complaint discloses any cognizable offence, the second respondent has to register a case. In case, the complaint does not disclose any cognizable offence, he has to conduct an enquiry with the complainant and thereafter if he is satisfied that a cognizable offence is made out, then he has to register a case and proceed in accordance with law. Instead of doing so, he should not keep the complaint indefinitely and harass the petitioner under the guise of enquiry.

5. Considering the aforesaid directions, this petition is disposed of.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Superintendent of Police,
Perambalur District.
2. The Inspector of Police, (Law & Order)
Perambalur Police Station,
Perambalur.
3. The Public Prosecutor,
High Court, Madras.

+2 CC to Mr.G. Babu, Advocate sr 63292.

Cr1.OP.No.21807 of 2018

SP(11/10/2018)