

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26431 of 2018

S.Rajkumar

...Petitioner

Versus

1.The Superintendent of Police,  
Dharmapuri District.

2.The Inspector of Police,  
District Crime Branch,  
Dharmapuri District.

3.M.Nagan.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the respondents 1 & 2 herein not to harass the petitioner.

For Petitioner : Mr.A.M.Esakkiappan

For Respondents : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor

O R D E R

The learned counsel for the petitioner would submit that the complaint was given in the year 2016 by one Nagan against this petitioner before the 2<sup>nd</sup> respondent. The 2<sup>nd</sup> respondent conducted a detailed enquiry and closed the complaint on 26.01.2017. Thereafter, the very same complainant has given another complaint before the 2<sup>nd</sup> respondent on the very same said of facts of the 2<sup>nd</sup> respondent is repeatedly calling the petitioner for enquiry. The learned counsel for the petitioner would submit that after a closure report was filed in earlier complaint, the 2<sup>nd</sup> respondent cannot call the petitioner again for enquiry for the very same set of facts.

2. It is seen from the records that the 2<sup>nd</sup> respondent had conducted detailed enquiry on the earlier complaint and the same was also closed on 26.01.2017. If the present complaint also pertains to the very same set of facts given by the very same complainant, the 2<sup>nd</sup> respondent police cannot reopen the entire dispute and call the petitioner for enquiry. This Criminal Original Petition is disposed of with a direction to the 2<sup>nd</sup> respondent to ensure that the present complaint does not pertain to the very same set of facts that was given earlier in the year 2016. If it pertains to the very same set of facts, the 2<sup>nd</sup> respondent shall not entertain the complaint and shall direct the complainant to workout his remedy before the appropriate Court in accordance with law. If the complaint pertains to a new cause of action, the 2<sup>nd</sup> respondent shall complete the enquiry within a short time and shall take a decision with regard to the same immediately. It seem clear that the petitioner shall not be harassed in the name of enquiry.

3. With the above said direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,  
Dharmapuri District.

2. The Inspector of Police,  
District Crime Branch,  
Dharmapuri District.

3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr. A.M. Esakkiappan, Advocate SR.No. 77502

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ASK(05/12/2018)