

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.9592 of 2019
and W.M.P.No.10200 of 2019

Nakkheeran Gopal,
Editor, Publisher and Printer
Nakkheeran Publications
No.105, Jani Jahan Khan Road
Royapettah, Chennai 600 014

... Petitioner

Vs.

1.The State Rep. by
The Home Secretary
Fort St. George, Chennai -9

2.The Director General of Police
DGP Office
Mylapore, Chennai-4

3.The DGP- CB CID
Pantheon Road, Egmore
Chennai-8

4.The Superintendent of Police
CBCID, South Zone Office
Egmore, Chennai - 8.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records in respect of the summons dated 26.03.2019 issued by the fourth respondent Superintendent of Police on the petitioner and Quash the same and further direct the respondent police authorities not to harass and obstruct the petitioner in his Journalistic function.

For Petitioner : Mr.P.T.Perumal

For Respondents: Mr.Natarajan
State Public Prosecutor,
Assisted by Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The writ petition has been filed by the petitioner to quash the summons dated 26.03.2019 issued by the fourth respondent, on the petitioner and further direct the respondent police authorities not to harass and obstruct the petitioner in his Journalistic function.

2. The petitioner has challenged the summon dated 26.03.2019 issued by the fourth respondent herein calling upon the petitioner to appear before the Superintendent of Police, CBCID, South Zone, Camp at Coimbatore on or before 30.03.2019, forenoon.

3. It is seen that the above impugned summon issued in pursuant to the FIR in Crime No.1 of 2019 for the offences under Sections 354(A), 354(B) IPC r/w Section 66(E) of Information Technology Act 2000 and Section 4 of Tamil Nadu Women Harassment Act and in pursuant to the Crime No.02 of 2019 for the offences under Sections 341, 294(b), 323, 324 and 506(ii) of IPC on the file of the Crime Branch CID, Coimbatore. The said impugned summon issued by the fourth respondent, who is having office at Egmore, Chennai. Whereas the petitioner summoned to attend enquiry at Camp Office, Coimbatore.

4. The learned counsel appearing for the petitioner submitted that the petitioner is the Editor of Nakkheeran Publications. His magazine unraveled the sensational "Pollachi serial sex scandal". In this regard, on 11.03.2019, the petitioner uploaded his speech in Nakkheeran online magazine and Nakkheeran You Tube web page. In the said speech, he narrated the sequence of events leading to the Pollachi incident and the personalities involved and cover up by the police department. It also reports about the involvement of two sons of one Mr.Pollachi Jayaraman, who is the Deputy Speaker of the Tamil Nadu Legislative Assembly and criticize the police officials are sheltering the culprits. In this regard, the fourth respondent to conduct an enquiry, issued the impugned summons under Section 160 and 91 of Cr.P.C. to the petitioner.

5. It is also seen that in pursuant to the speech in Nakkheeran online magazine and Nakkheeran You Tube web page, on the complaint lodged by the said Mr.Pollachi Jayaraman, an FIR has been registered in Crime No.107 of 2019 as against the petitioner for the offences under Sections 153, 505(1)(b) & (c), 505 (2) of IPC and Section 67 of IT Act, on the file of the Inspector of Police, CCB, Chennai. Pursuant to the said crime, the Inspector of Police, CCB, Chennai, summoned the petitioner

for enquiry. While being so, the summon impugned in this writ petition issued by the fourth respondent to call upon the petitioner to come for an enquiry.

6. In view of the above circumstances, the petitioner has valid apprehension by the police officials and other political persons at Coimbatore, since he made a statement as against the Deputy Speaker of Tamilnadu. Further it is also seen that the fourth respondent is having office at Egmore, Chennai and the petitioner is called for enquiry to the Camp office at Coimbatore.

7. It is also seen that the summon impugned in this writ petition is only a summon called for the petitioner for enquiry. Admittedly, the petitioner is not an accused. Therefore, this Court is not inclined to quash the summon issued by the fourth respondent.

8. However, in the above said circumstances, the petitioner has valid apprehension by the politicians as well as the police officials at Coimbatore. Further if the petitioner appears before the fourth respondent at Coimbatore, there would be a fair chance of untoward incidents.

9. Therefore, the summons issued by the fourth respondent is modified on the following terms:

(i) The petitioner shall appear before the fourth respondent i.e., the Superintendent of Police, CBCID, Egmore, Chennai on 01.04.2019.

(ii) The fourth respondent i.e. The Superintendent of Police, CBCID, Egmore, Chennai shall conduct enquiry related to the Crime Nos.1 of 2019 and 2 of 2019 registered as against the persons without making any harassment to the petitioner.

(iii) The petitioner is hereby directed to handover whatever materials available with him as requested by the fourth respondent.

10. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kas/rts

To

- 1.The Home Secretary,
The State of Tamil Nadu
Fort St. George, Chennai -9
 - 2.The Director General of Police
DGP Office
Mylapore, Chennai-4
 - 3.The DGP - CB CID,
Pantheon Road, Egmore
Chennai-8
 - 4.The Superintendent of Police
CBCID, South Zone Office
Egmore, Chennai - 8.
 - 5.The Public Prosecutor,
High Court of Madras
- +lcc to Mr.P.T.Perumal, Advocate sr.no.30293

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nr 29/03/2019



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