

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.16854 of 2019

Dr.P.Balachandar

: Petitioner

vs.

State rep. by the Inspector of Police,
Villianur Police Station,
Puducherry.

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police herein not to harass the petitioner any further under the guise of enquiry in Unknown Crime No. of 2019.

For Petitioners : Mr.R.Mugundan

For Respondents : Mr.Barathachakravarthy
Additional Public Prosecutor
Puducherry

ORDER

This petition has been filed seeking for a direction to the respondent police not to harass the petitioner.

2. It is seen from the records that one Saravanan had given a complaint before the respondent police against the petitioner on the ground that the petitioner has received a sum of Rs.4,00,000/- from him and subsequently cheated him. The petitioner filed anticipatory bail petition before the Principal Sessions Judge, Puducherry, apprehending arrest. When the matter came up for hearing on 18.06.2019 it was represented on the side of the respondent police that no FIR or no complaint has been registered or pending against the petitioner and only a preliminary enquiry is being conducted. Recording the submission, the petition was closed.

3. It is the grievance of the petitioner that even subsequent to the order passed by the Sessions Court, the

respondent police continue to harass the petitioner in the name of enquiry.

4. The learned counsel for the petitioner submitted that the petitioner is aged about 73 years and he is being unnecessarily harassed by the respondent police in a money dispute between the petitioner and the said Saravanan.

5. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the respondent police were calling the petitioner only for a preliminary enquiry and that the respondent police will not harass the petitioner.

6. Taking into consideration the facts and circumstances of the case, the respondent police cannot continue to keep the petition at a preliminary enquiry stage for more than 14 days and they have to act upon the complaint by either registering an FIR or closing the complaint in accordance with the guidelines given by the Hon'ble Supreme Court in Lalitha Kumari Vs. Government of Uttar Pradesh reported in 2013 (6) CTC 35.

7. This Criminal Original Petition is disposed of with the direction to the respondent police not to harass the petitioner in the name of enquiry and to take a decision in accordance with law as per the guidelines given by the Hon'ble Supreme Court in Lalitha Kumari Vs. Government of Uttar Pradesh reported in 2013 (6) CTC 35.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssr
To

1. The Inspector of Police,
Villianur Police Station,
Puducherry.

2. The Public Prosecutor,
Puducherry.

+1 cc to M/s.Mugundan, Advocate, Sr.No. 55075

+1 cc to The Public Prosecutor, Puducherry, Sr.No.55231

Crl.OP No.16854 of 2019

CSL/04.07.2019