



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2019

CORAM:

THE HONOURABLE **MR. JUSTICE N. SESHASAYEE**

CrI.O.P. (MD) No. 4907 of 2019

WEB COPY

M.N.Balraj

... Petitioner

/Vs./

1.The Superintendent of Police,
O/o. Superintendent of Police,
Trichy.

2.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
District Crime Branch, Trichy.

3.The Inspector of Police,
District Crime Branch, Trichy.

4.Natarajan

5.Kanagaraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to direct the respondent no.2 and 3, and their officials not to harass the petitioner unnecessarily against law under the guise of enquiry.

For Petitioner

: Mr.S.Vanchinathan

For R-1 to R-3

: Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

The petitioner complains that he faces harassment at the hands of the third respondent on the basis of the complaint preferred by the private respondents herein.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

3. The learned counsel appearing for the petitioner submitted that the petitioner's mother-in-law had sold the property to the fourth respondent and the petitioner has little to do with any such transaction, but the police are after him.

4. The learned Additional Public Prosecutor submitted that the fourth respondent has preferred a complaint implicating some accusation against the petitioner. The respondent police has neither harassed the petitioner nor intended to harass him.



5. The statement of the learned Additional Public Prosecutor is recorded. This Court now directs the respondent police that if the complaint discloses *prima facie* commission of any cognizable offence, necessarily the investigating Agency should follow the principles in the judgment reported in **2013 (6) CTC 353 [Lalitha Kumari Vs. Government of Uttar Pradesh]** case. If on the other hand the third respondent considers that it is necessary to hold any preliminary enquiry / interrogation, the same shall be done only on summons under Section 41 A Cr.P.C., mentioning a specific date and time for enquiry and also giving reasonable time for him to travel to the venue of such enquiry. The petitioner is also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioner.

6. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

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To

- 1.The Superintendent of Police,
O/o. Superintendent of Police,
Trichy.
- 2.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
District Crime Branch, Trichy.
- 3.The Inspector of Police,
District Crime Branch,
Trichy.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.VANCHINATHAN, Advocate (SR-58828[F]dated 04/04/2019)

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ES/SP/29.04.2019/2P/6C