



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

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

Crl.O.P. (MD) No. 4975 of 2019

Vinoth Jesuraja

... Petitioner

/Vs./

1. The Commissioner of Police,
Commissioner Office,
Subramaniyapuram, Trichy.

2. The Inspector of Police,
K.K. Nagar Police Station,
Trichy, Trichy District.

3. Suresh

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to direct the 1st & 2nd respondents not to harass the petitioner under the guise of enquiry without any valid complaint.

For Petitioner : Ms.R.Yamuna

For R-1 & R-2 : Mr.V.Neelakandan
Additional Public Prosecutor

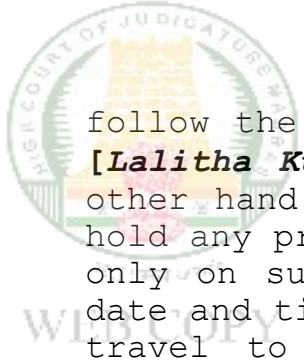
ORDER

The petitioner faces harassment at the hands of the second respondent presumably on the complaint given by the third respondent.

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

3. The learned Additional Public Prosecutor submitted that the third respondent has preferred a complaint accusing the petitioner of cheating their money on promising to secure a job. The respondent police have neither harassed the petitioner nor intended to harass him.

4. The said 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 second 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.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Commissioner of Police,
Commissioner Office,
Subramaniyapuram, Trichy.
- 2.The Inspector of Police,
K.K.Nagar Police Station,
Trichy, Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.YAMUNA, Advocate in SR-58481

CrI.O.P.(MD)No.4975 of 2019
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PK/02.05.2019 : 2P/5C