



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2019

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.6279 of 2019

A.Shahul Hameed

... Petitioner

/Vs./

1.The Assistant Commissioner of Police,
Thallakulam (L&O),
Madurai City.

2.M.Samson Michael

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct first respondent police herein not to harass the petitioner and his family members under the guise of enquiry.

For Petitioner

: Mr.J.Jeyakumaran

For R-1

: Mr.V.Neelkandan

Additional Public Prosecutor

ORDER

The petitioner complains that the second respondent exhibits a propensity to file repeated complaints on the same set of allegation.

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 earlier, the second respondent has preferred a complaint before the Thallakulam (Crime) Police Station and the petitioner was required to be present for an preliminary enquiry by the said police. Therefore, the petitioner approached this Court in Crl.O.P.(MD)No.2916 of 2019 and this Court vide its order dated 26.02.2019, directed the petitioner to appear for the enquiry. Accordingly, the petitioner appeared for the enquiry and the complaint came to be closed. Notwithstanding the same, the second complaint on the same set of allegation has shifted the venue to the Thallkulam (Law and Order) Police Station and based on which, the first respondent is harassing the petitioner.

4. The learned Additional Public Prosecutor submitted that the complaint has been received by the first respondent and the matter is enquired in C.S.R.No.27 of 2019. The respondent police

has neither harassed the petitioner nor intended to harass him.

5. The said statement of the learned Additional Public Prosecutor is recorded. Suffice to say for the present, the first respondent is directed to ascertain (a) if the allegation made in the present complaint is identical to the one earlier filed by the second respondent before Thallakulam Crime Police Station (b) if the earlier complaint was closed without merit. In other words, if the earlier complaint disclosed commission of any cognizable offence, then the first respondent may proceed to hold on his contemplated preliminary enquiry on the present complaint. In all such eventuality, the first respondent is directed to hold the preliminary enquiry only on summons under Section 41 A Cr.P.C., mentioning 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. There shall not be harassment to the petitioner at any point of time during such enquiry / interrogation.

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

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The Assistant Commissioner of Police,
Thallakulam (L&O),
Madurai City.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.J.JEYAKUMARAN, Advocate Sr. No. 63647

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KMV (CO)
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