



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P. (MD)No.10370 of 2019

P.Nagendran

... Petitioner

Vs.

State represented through

1.The Commissioner of Police
Madurai City
Madurai

2.The Inspector of Police
S.S.Colony Police Station
Madurai City

3.The Inspector of Police
Subramaniyapuram Police Station
Madurai City

....Respondents

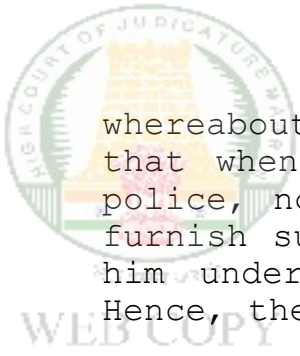
Prayer: This Criminal Original Petition has been filed under Section 482 Cr.P.C. to direct the second respondent not to harass the petitioner to furnish sureties in connection with criminal proceedings initiated under Section 110 of Cr.P.C, if any and to direct the third respondent not to harass the petitioner under the guise of asking the whereabouts of his cousin Kumar and also to direct both the second and third respondents not to harass the petition under pretext of booking him under false cases.

For Petitioner : Mr.J.William Christopher
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Cr1.Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner under the guise of enquiry.

2.The grievance of the petitioner is that the petitioner has been falsely indicted in a theft case, in which, the petitioner's cousin one Kumar was also implicated as an accused. The respondent police threatened the petitioner regarding



whereabouts of his cousin. Further grievance of the petitioner is that when the said case is pending before the second respondent police, now the respondents 2 and 3 are forcing the petitioner to furnish sureties in connection with a proceeding initiated against him under Section 110 Cr.P.C. before the Executive Magistrate. Hence, the present petition has been filed by the petitioner.

3.Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl.Side) appearing for the respondents, on instructions, would submit that already a criminal case is pending against the petitioner, now the third respondent police registered a case against the petitioner for the offences under Sections 457 and 380 I.P.C and the investigation is pending. Considering the bad antecedents of the petitioner, the proceedings under Section 110 Cr.P.C. has been initiated on 29.06.2019, prior to that, notice was also issued to him. Only, in order to escape from the above criminal proceedings, the present petition has been filed by the petitioner.

4.Considering the fact that earlier the proceedings under Section 110 Cr.P.C has been initiated against the petitioner and the show cause notice was also issued to him, if at all the petitioner is having any objection on the show cause notice issued by the respondent police, he could appeared before the Executive Magistrate to raise his objection and he cannot file this petition before this Court seeking for the relief. Now, the prayer sought for by the petitioner cannot be granted at this stage. Accordingly, this Criminal Original Petition is dismissed. However, if the petitioner is having any grievance, it is always open to the petitioner to appear before the Executive Magistrate and raise his objection.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

msa

To:

1.The Commissioner of Police
Madurai City
Madurai

2.The Inspector of Police
S.S.Colony Police Station
Madurai City



3. The Inspector of Police
Subramaniyapuram Police Station
Madurai City

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

+1CC TO MR.J.WILLIAM CHRISTOBER, Advocate Sr. No. 78105

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DB (CO)

TR (05.08.2019) 3P 6C