

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cr1.OP.No.1761 of 2020

1.R.Sarath
2.R.Subash Chandru
3.Usha Sarath
4.Priya Subash
5.Jaya

.. Petitioners

-vs-

1. The Deputy Superintendent of Police,
Denkanikottai
(Uddanapalli Police Station)
Krishnagiri District.
Cr.No.153 of 2019.

2. The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents/police not to harass and threaten the petitioners, their family members and their employees under the guise of investigation into Crime No.153 of 2019 on the file of the 1st respondent.

For Petitioners : Mr.D.Shivakumaran

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents not to harass the petitioners, their family members and their employees under the investigation in Cr.No.153 of 2019 on the file of the first respondent.

2. The learned counsel for the petitioners has submitted that the petitioners belong to one family and the petitioners 1 and 2 are the directors in a Private Limited Company namely M/s.Venkraft Paper Mills Private Limited and the said company is engaged in manufacturing of paper products and boards. He further submitted that the Sub-Inspector of Police, Udanapalli has registered an FIR in Cr.No.153 of 2019 on 12.11.2019 based on the complaint lodged by one Anandababu under Sections 279, 338 and 304(A) IPC. He further submitted that subsequently it appears that the investigation was transferred to the second respondent and the second respondent has filed an alteration report on 18.11.2019 altering the case as one under Sections 143, 436, 302, 307, 149 and 120B of IPC. He further submitted that on 16.11.2019, the police came in search of the 1st petitioner's father and he was out of station but immediately the second respondent and his subordinates took both the petitioners 1 and 2, their mother and their respective wives to the police station and they were detained there for two days. He further submitted that almost everyday for more than 15 days, the police are calling the petitioners and threatening to give information as to whereabouts of their father and if not disclose the same, they will invoke the provisions of Goondas Act. He further submitted that the employees of the petitioner's company were also subjected to harassment and therefore he prayed to direct the first respondent not to harass the petitioners and their family members and their wives in Cr.No.153 of 2019 on the file of the second respondent.

3. He further submitted that already the second petitioner herein has filed CrI.OP.No.32726 of 2019 to defreeze the bank account and when the said petition was came up for hearing, the first respondent herein has filed a counter stating that she froze the bank account only to verify whether any money was transferred from the account of the company for engaging cooligans and after verifying the same, she issued a letter to the concerned bank to defreeze the account and recording the same the said petition was closed.

4. Per contra, the learned Additional Public Prosecutor has submitted that based on the complaint given by one Anandababu an FIR was registered in Cr.No.153 of 2019 under Sections 279, 338 and 304(A) IPC in Uddanapalli Police Station on 12.11.2019. He further submitted that subsequently as per the order of the Superintendent of Police, the first respondent has investigated the matter and based on the materials collected by her, she altered the sections into 143, 436, 302 307, 149, 120B IPC. He further submitted that the Accused No.1, Ramamurthy is still absconding and he played a key role in the said crime and only for investigation purpose, the petitioners who are the close

relatives, were called and they were not subjected to any harassment.

5. The petitioners have not produced any material to show that the first respondent is harassing the petitioners. Since already an FIR has been registered against one of the family members for the offences under sections 143, 436, 302 307, 149, 120B IPC, the petitioners have to co-operate for investigation. Merely because the petitioners were called for investigation purpose, they cannot contend that they have been subjected to harassment. This Court does not find any merit in this petition. Hence, this petition is liable to be dismissed.

6. In the result, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

drl

To

1. The Deputy Superintendent of Police,
Denkanikottai
(Uddanapalli Police Station)
Krishnagiri District.
2. The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Shiva Kumaran, Advocate, S.R.No. 8745

CRL.O.P.No.1761 of 2020

RSK(CO)
KKV/19/05/2020