

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.OP.No.1791 of 2020

P.Saravanan

.. Petitioner

-vs-

State rep by  
The Inspector of Police,  
T-4, Maduravoya Police Station,  
Chennai.

.. Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent herein not to harass this petitioner in the guise of enquiry.

For Petitioner : Mr.S.V.Karthikeyan

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

ORDER

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

2. The learned counsel for the petitioner has submitted that the petitioner was summoned by the respondent police for an enquiry and the petitioner had submitted the entire facts and the available documents to establish his stand, but, the respondent police have insisted the petitioner to repay the loan in entirety failing which, the petitioner will be arrested based on the false complaint. Hence, the petitioner filed an application for anticipatory bail in Crl.OP.No.30728 of 2019 and when the same was taken up for hearing on 19.11.2019, the learned Government had submitted that CSR.No.1537 of 2019 is pending. Hence, this Court has directed the respondent police to issue notice to the petitioner and after conducting enquiry, the Investigating Officer shall register a case or close the complaint by 03.12.2019. The petitioner was taken by the respondent police on 27.11.2019 and after keeping for the whole day, he was released. Hence, the complaint was closed as directed by this Court. The

learned counsel for the petitioner further stated that the respondent police have come in search of this petitioner on 11.01.2020 and have warned the petitioner and his family members that the money has to settle immediately failing which the petitioner has to face great trouble. Thereafter, when he approached the respondent police with his Advocate, he was informed that no enquiry is pending, but, the respondent is unnecessarily harassing the petitioner and his family members.

3. The learned Additional Public Prosecutor has submitted that since a complaint lodged against the petitioner and only for enquiry purpose in the said complaint, he was called and he was not subjected to any harassment.

4. If the complaint discloses any cognizable offence, the respondent has to register a case. In case, the said complaint does not disclose any cognizable offence, the respondent can conduct preliminary enquiry with the complainant and if the said enquiry reveals any cognizable offence, he can register a case and proceed further in accordance with law. Instead of that he should not unnecessarily harass the petitioner.

5. With the aforesaid directions, this Criminal Original Petition is disposed of.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Vv  
To

1. The Inspector of Police,  
T-4, Maduravoya Police Station,  
Chennai.

2.. The Public Prosecutor,  
High Court, Madras.

+lcc to Mr.Karthikeyan , Advocate SR.No. 7367

CRL.O.P.No.1791 of 2020

A.SK(11/03/2020)