

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cr1.OP.No.2070 of 2020

Vijay

..Petitioner

-vs-

1. The Deputy Commissioner of Police,
O/o.Deputy Commissioner of Police,
K-4, Anna Nagar Police Station,
Chennai.

2. The Inspector of Police,
K-4, Anna Nagar Police Station,
(Law and Order)
Chennai.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent police not to harass the petitioner pursuant to his representation dated 27.01.2020.

For Petitioner : Mr.V.Krishnamoorthy

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

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner pursuant to his representation dated 27.01.2020.

2. The learned counsel for the petitioner has submitted that based on the complaint given by the petitioner's wife dated 01.11.2019 and the same was culminated into C.S.R.Vide C.S.R.No.222/2019 pending on the file of the Inspector of Police, AWPS, Annanagar. He further submitted that the petitioner's father lodged a complaint to the respondent police on 27.12.2019 vide FIR in Crime No.776 of 2019, for offences under Sections 294(b), 353, 506(1), 24 of Maintenance and Welfare of Parents and Senior Citizens Act 2007. The respondent police has not conducted a fair enquiry before registration of

FIR with oblique motive and arrested the petitioner and his brother on the same day. Consequent to the arrest, the petitioner and his brother were produced before the V Metropolitan Magistrate, Egmore at Chennai, but, the learned Magistrate declined to accept the remand and released the petitioner and his brother. The petitioner and his brother already approached the civil court in respect of the property dispute in which the petitioner, his brother and their father living sequel to their portion. Such being so, the petitioner and his brother were threatened to vacate the property and hand over the same to one of their brother Laksmiraja. Due to same, the respondent is unnecessarily harassing the petitioner.

3. The learned Additional Public Prosecutor has submitted that since the petitioner's father has lodged a complaint 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 second respondent has to register a case. In case, the said complaint does not disclose any cognizable offence, the second 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 Deputy Commissioner of Police,
O/o. Deputy Commissioner of Police,
K-4, Anna Nagar Police Station,
Chennai.

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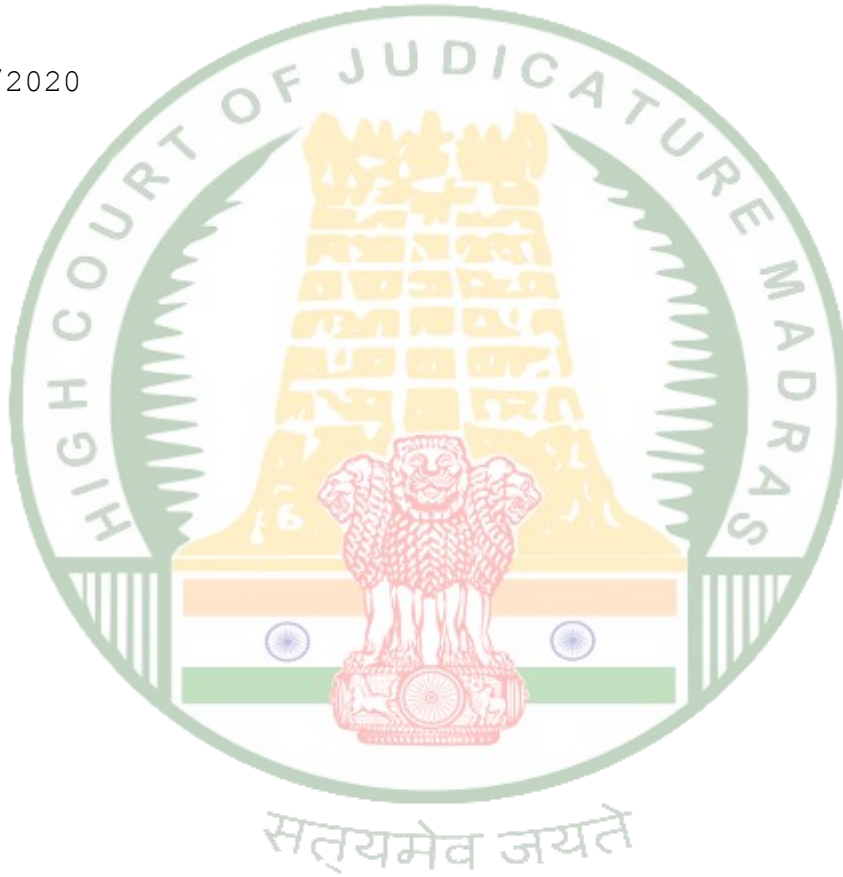
2. The Inspector of Police,
K-4, Anna Nagar Police Station,
(Law and Order)
Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.V.Krishnamoorthy, Advocate, S.R.No.7522

CRL.O.P.No.2070 of 2020

RSV(CO)
KKV/12/03/2020



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