

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.2197 of 2020

1. S.Chellakumar
2.C.Jayasujatha

... Petitioners

Vs.

State rep.by
The Inspector of Police,
F-2, Egmore Police Station,
Chennai.
(Crime No.1930 of 2015)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police not to harass the petitioners, pending investigation in Crime No.1930 of 2015 on the file of the Inspector of Police, F-2, Egmore Police Station, Chennai.

For Petitioners : Mr. C.V.Kumar
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent police not to harass the petitioners, pending investigation in Crime No.1930 of 2015 on the file of the respondent the Inspector of Police, F-2, Egmore Police Station, Chennai.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

3. The learned counsel for the petitioners has submitted that due to business enmity, the defacto complainant has lodged a false complaint against the petitioners and based on the same, the respondent has registered an FIR in Crime No.1930 of 2015 against the petitioners under Sections 406, 420 and 506 (ii) of IPC. He further submitted that already the petitioners have filed Anticipatory Bail in Crl.M.P.No. 9083 of 2018 on the file of the Principal Sessions Judge, Chennai and obtained

Anticipatory Bail on 14.06.2018 and even thereafter, the respondent is unnecessarily calling daily over phone and harassing the petitioners.

4. Per contra, the learned Additional Public Prosecutor has submitted that since an FIR has been registered against the petitioners in Crime No.1930 of 2015 for the alleged offences under Sections 406, 420 and 506 (ii) IPC and the petitioners also obtained Anticipatory Bail, for the investigation purpose the respondent has issued summons through RPAD to the address mentioned in the present petition, but the said RPAD has been returned as "Addressees Left". Only thereafter, the petitioners were called over phone but they immediately rushed to this Court and filed this Petition.

5. The learned counsel for the petitioners has submitted that he will instruct the petitioners to appear before the respondent.

6. Since FIR has been registered against the petitioners and the petitioners got Anticipatory Bail, they shall cooperate for investigation. The summons which were sent through RPAD is returned as 'Left', which shows that the petitioners shifted their address to some other places without informing to the respondent. So the respondent has contacted the petitioner over phone, calling them to appear for investigation purpose. Said act cannot be termed as harassment to the petitioners and hence the petitioners are directed to appear before the respondent for interrogation and cooperate for investigation.

7. For the aforesaid reasons, this Criminal Original petition is dismissed.

Sd/-
Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
F-2, Egmore Police Station,
Chennai.

2. The Principal Sessions Judge,
Chennai

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.V.Kumar, Advocate, SR.No.9779.

Crl.O.P. No.2197 of 2020

BS (CO)
CSR:11.02.2020