

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cr1.OP.No.4554 of 2020

Mani @ Madu Mani

.. Petitioner

-VS-

1.State: rep by
Inspector of Police,
Central Crime Branch-II
Anti Land Grabbing Special Cell-II
Vepery, Chennai-600 045.

2. Kalavathy .. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent not to harass the petitioner on the basis of the complaint given by the second respondent dated 23.07.2015.

For Petitioner : Mr.C.Mohan Raj

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed to direct the first respondent not to harass the petitioner on the basis of the complaint given by the second respondent dated 23.07.2015.

2. The learned counsel for the petitioner has submitted that in the FIR, the petitioner's name has not been mentioned and in the final report which was filed before the Judicial Magistrate, Alandhur also, the petitioner's name not mentioned, but, now, the first respondent has issued summons directing the petitioner to appear before him for enquiry with regard to the FIR in Crime No.86 of 2015.

3. Per contra, the learned Additional Public Prosecutor who is appearing for the first respondent has submitted that after investigation, the first respondent has filed a report referring

the matter as "mistake of fact". The second respondent herein has filed a Protest Petition before the concerned Magistrate and in the said protest petition, the learned Judicial Magistrate, Alandhur has passed an order for further investigation and only in pursuance of the said order, the first respondent has issued summons to the petitioner. He further submitted that instead of appearing before the first respondent for enquiry, the petitioner rushed to this court as if the first respondent is harrasing the petitioner and therefore he prayed to dismiss the petition.

4. A perusal of the order passed by the learned Judicial Magistrate, Alandhur dated 01.09.2018 shows that RCS Report filed and for that the second respondent herein has filed protest petition and in that petition, the learned Judicial Magistrate has passed an order directing the first respondent herein for further investigation. Only in pursuance of the said order, the first respondent has issued summons to the petitioner herein directing him to appear before him for enquiry on 27.02.2020. Therefore, the contentions of the petitioner that he is being harrassed by the first respondent cannot be accepted. The petitioner has to co-operate for investigation.

5. For the aforesaid reasons, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Vv

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To

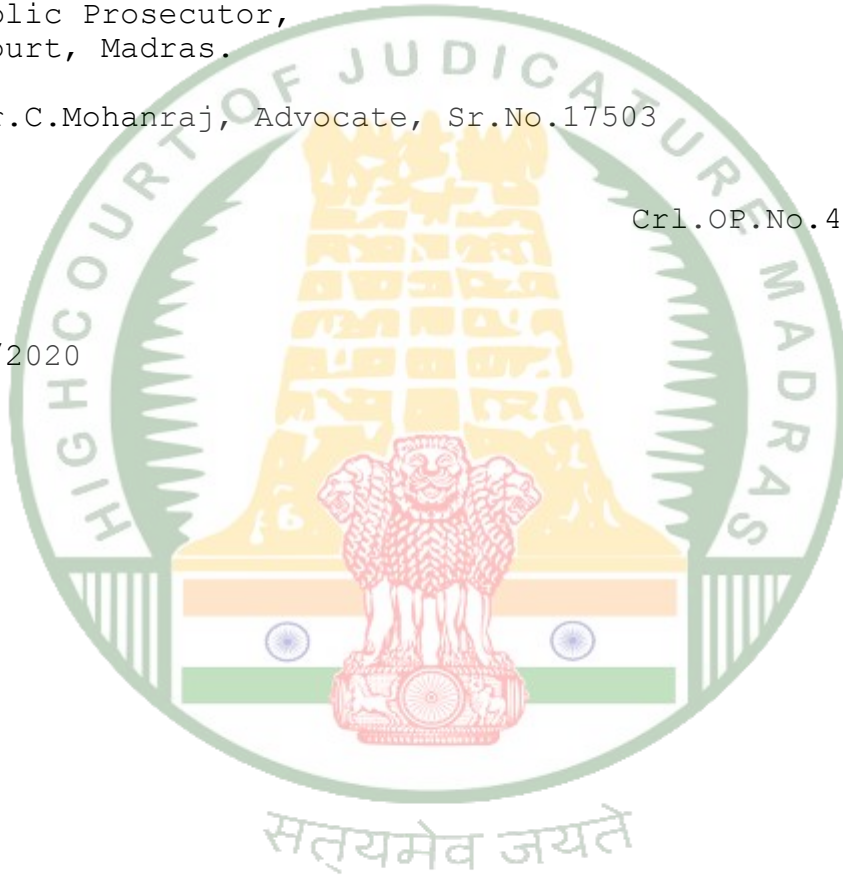
1. The Inspector of Police,
Central Crime Branch-II
Anti Land Grabbing Special Cell-II
Vepery, Chennai-600 045.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Mohanraj, Advocate, Sr.No.17503

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SS (CO)
Jas/29/05/2020



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