

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.13210 of 2020

Raji
S/o Narayanan
No.59, Indira Nagar
Housing Board
Royapuram, Chennai - 600 013. ... Petitioner

Vs.

State Rep by its
The Inspector of Police
N2 Police Station
Kasimedu, Chennai - 600 013. ...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondent police not to harass the petitioner in Crime No.2234 of 2020 dated 18.08.2020 on the file of N2 Police Station, Kasimedu, Chennai - 600 013.

For Petitioner : Ms.P.Kavitha

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor.

O R D E R

The Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner in Crime No.2234 of 2020 dated 18.08.2020 on the file of N2 Police Station, Kasimedu, Chennai - 600 013.

2.The learned counsel for the petitioner would submit that the petitioner never lodged any complaint as against the accused person. He further submit that no such occurrence was took place and the petitioner being the daily labour and doing cleaning work in the police station, to satisfy some other person and also to foist a false case as against the accused person, the petitioner was compelled to sign in a white paper. Thereafter, he came to know that the respondent police registered a case against one Manikandan, as if the petitioner herein has lodged a complaint. Now, the respondent police harassing the petitioner to give a statement, according to their wishes. He would further submit that the petitioner never lodged any complaint and do not want to take any action as against the accused person, since no such occurrence took place on 18.08.2020.

3.The learned Additional Public Prosecutor would submit that only on the complaint dated 18.08.2020, lodged by the petitioner the respondent police registered the case in Crime No.2234 of 2020 for the offences punishable under Section 341, 294(b) and 307 of IPC as against one Manikandan and remanded him to judicial custody. He can very well make a statement before the respondent police to withdraw the complaint lodged against the accused person. Therefore, this Criminal Original Petition for not to harass, is not at all maintainable and sought for dismissal of the same.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

5.On perusal of the FIR, it shows that on 18.08.2020, at about 09.30 p.m., the accused person waylaid him; demanded money for his expenses; abused him with filthy language and also threatened him with dire consequences. Further it is alleged that the accused person shown his knife and tried to attack on his head. Fortunately, the petitioner escaped from the said attack and lodged a complaint before the respondent police. All the allegations are seems to be foisted as against the said Manikandan by the respondent police. Further there is no ingredients available to attract the offences under Section 307 of IPC. Therefore, as contended by the learned counsel for the petitioner, the FIR has been registered as against the Manikandan, is only for statistical purpose and to put up a false case, by using the name of the petitioner. Now, the respondent police compelling the petitioner to record his statement, to proceed further in Crime No.2234 of 2020. The petitioner also does not want to proceed with the case, since he never lodged any complaint as against the said Manikandan on the file of the respondent herein.

6.Considering the above submission, the respondent is directed to close the FIR in Cr.No.2234 of 2020 forthwith and directed not to harass the petitioner anymore in pursuant to the Crime No.2234 of 2020. With the above direction, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

1.The Inspector of Police
N2 Police Station

<https://hcservices.ecourts.gov.in/hcservices/>
Kasimedu, Chennai - 600 013.

2.The Public Prosecutor
High Court of Madras.

+2ccs to Ms.P.Kavitha, Advocate SR.No.28185

Cr1.O.P.No.13210 of 2020

GMV (10/09/2020)



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