

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.01.2020

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.NO.32438 OF 2019

Kirubakaran

... Petitioner

Vs.

1. The State rep by its,
The Inspector of Police,
Anti Land Grabbing Cell,
Kancheepuram,
Kancheepuram District.

2. R.Dhamodharan

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent Police not to harass the petitioner.

For Petitioner : Mr.R.Asokan

For Respondents : Mr.M.Mohamed Riyaz (For R1)
Additional Public Prosecutor
Mr.K.S.Arumugam (For R2)

O R D E R

This petition has been filed to direct the first respondent Police not to harass the petitioner.

2. Heard Mr.R.Asokan, learned counsel appearing for the petitioner, Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first respondent and Mr.K.S.Arumugam, learned counsel appearing for the second respondent.

3. The learned counsel for the petitioner has submitted that the second respondent has already lodged a complaint in the year 2016 before the Inspector of Police, Thazambur Police Station and with regard to the said complaint, the petitioner has filed Anticipatory Bail Petition in Crl.O.P.No. 25988 of

2016 in which this Court has granted Anticipatory Bail by the order dated 08.12.2016 and for same set of facts the second respondent has lodged another complaint before the first respondent and based on the same an FIR was registered against the petitioner in Crime No.38 of 2018 on the file of the DCB, Kancheepuram under Sections 419, 468, 471, 420 r/w 34 of the IPC, but the first respondent is directly calling the petitioner and harassing him under the guise of enquiry.

4. The learned Additional Public Prosecutor has submitted that though the case was registered against the petitioner by the DCB, Kancheepuram in Crime No.38 of 2019, the first respondent is investigating the said matter and only for investigation purpose, the petitioner was called and he was not subjected to harassment.

5. The learned counsel for the second respondent has submitted that in the year 2016, the second respondent has lodged a complaint before the Thazambur Police Station and after receipt of the complaint CSR was issued and hence the petitioner has moved Anticipatory Bail Application in CrI.O.P.No.25988 of 2016 before this Court, and got Anticipatory Bail, but subsequently the Inspector of Police, Thazambur Police Station has closed the said complaint and thereafter the second respondent has filed another complaint before the DCB, Kancheepuram and based on the same an FIR was registered in Cr.No. 38 of 2018 U/S 419, 468, 471, 420 and 34 of IPC and now the first respondent is investigating the matter.

6. Considering the submission made by the learned Additional Public Prosecutor that though the case was registered against the petitioner by DCB, Kancheepuram in Crime No. 38 of 2018 under Sections 419, 468, 471, 420 r/w 34 of the IPC, the investigation is being conducted by the first respondent and that the petitioner was called for investigation purpose only. Hence it cannot be said as harassment. The petitioner has to cooperate for investigation.

7. For the aforesaid reasons, this Court does not find any merits in this Petition. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

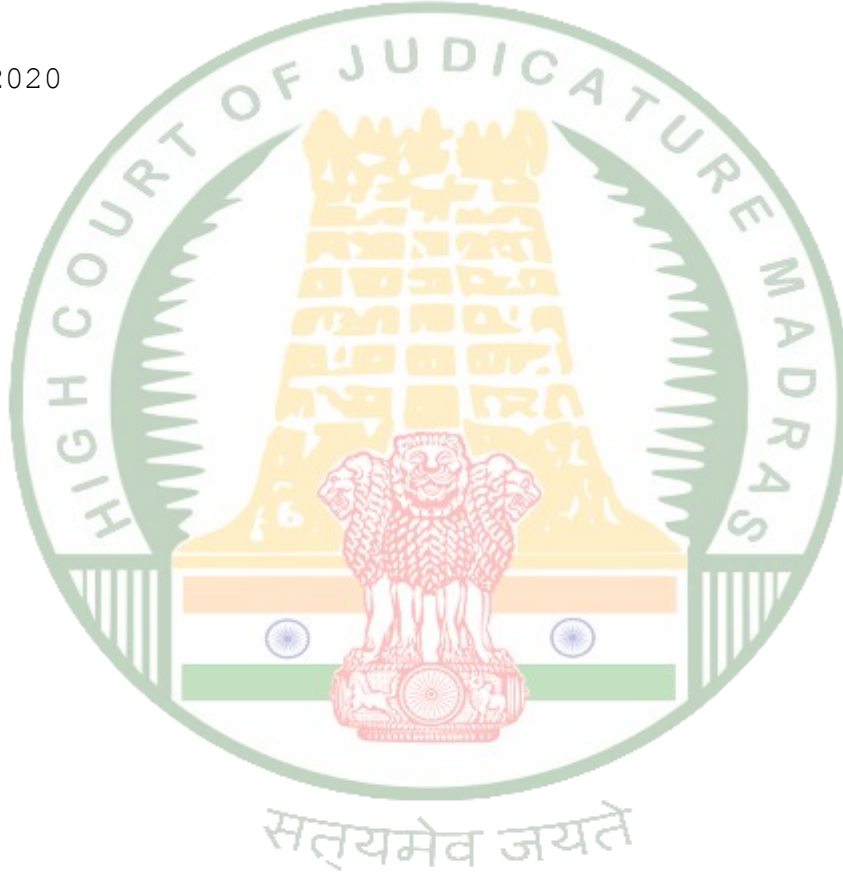
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To

1. The Inspector of Police,
Anti Land Grabbing Cell,
Kancheepuram,
Kancheepuram District.
2. The Public Prosecutor,
Madras High Court,
Chennai.

CRL.O.P.No.32438 of 2019

BS (CO)
CS/02/03/2020



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