

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cr1.OP.No.34471 of 2019

1. A.Kumaran

2. M/s.Friends Academy Madras-2

Reg No 359 of 1998

Rep by its President Hemanth Kumar
Chintadripet, Chennai-600 002.

..Petitioners

-vs-

1. The Inspector of Police, (L&O)
F-1, Chintadripet Police Station,
Arunachala Road,
Chintadripet, Chennai-2.

2. The Commissioner of Police,
Chennai City,
No.132, EVK Sampath Road,
Vepery, Chennai-7.

.. Respondents

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

For Petitioners : Mr.P.G.Santhosh Kumar

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

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ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioners.

2. The learned counsel for the petitioner has submitted that the second petitioner is a club registered under the Societies Registration Act in which, the first petitioner is one of the members. He further submitted that since the first

respondent has registered an FIR in Crime No.284 of 2018 under Sections 45 and 46 of the Chennai City Police Act, the second petitioner has filed a writ petition in WP.No.1536 of 2019 to issue a writ of mandamus to forbear the first respondent herein from interfering with the club activities and the same was dismissed. As against the same, the second petitioner has filed a writ appeal in WA.No.1422 of 2019 wherein this court has directed the second petitioner to apply to the concerned officer of the Corporation of Chennai for issuance of license for carrying its activities. Accordingly, the second petitioner has applied for issuing license on 30.04.2019 to the Assistant Revenue Officer, Corporation of Chennai and for that the said Assistant Revenue Office of Corporation of Chennai by the letter dated 07.05.2019 has informed the second petitioner that for running a club, there is no provision for issuing licence in the Chennai Corporation Act and hence, license cannot be issued. He further submitted that on 14.05.2019, the second petitioner has sent a letter to the first respondent informing the fact that the Corporation of Chennai has sent a letter that license cannot be granted under the Corporation Act and even thereafter, the first respondent is harassing the petitioners.

3. The learned Additional Public Prosecutor has submitted that since already an FIR was registered against the second respondent's club as he has not obtained any license, they were called to produce the license. But without producing the said license, they rushed to this court as if the first respondent is harassing them and therefore he prayed to dismiss the petition.

3. The typed set of papers filed by the petitioners would show that as per the directions of this Court in WA.No.1422 of 2019, the second petitioner has submitted an application before the Assistant Revenue Officer of Corporation of Chennai on 30.04.2019 seeking licence for running the club, but the said Assistant Revenue Officer of Corporation of Chennai by the letter dated 07.05.2019 has informed the second petitioner that there is no provision in the Chennai Corporation Act for issuing a license for running a club. The second petitioner has sent a letter dated 14.05.2019 to the first respondent informing the fact that the Assistant Revenue Officer of the Corporation of Chennai has informed the second petitioner that there is no provision in the Chennai Corporation Act for issuing a license for running a club. In such a case, the respondents should not unnecessarily harass the petitioners.

4. If the respondents found that the petitioners are violating any of the provisions of law, then they can register a case under the relevant provisions of law and proceed in accordance with law. Instead of that, they should not unnecessarily harassed the petitioners.

5. With the aforesaid directions, this Criminal Original Petition is disposed of.

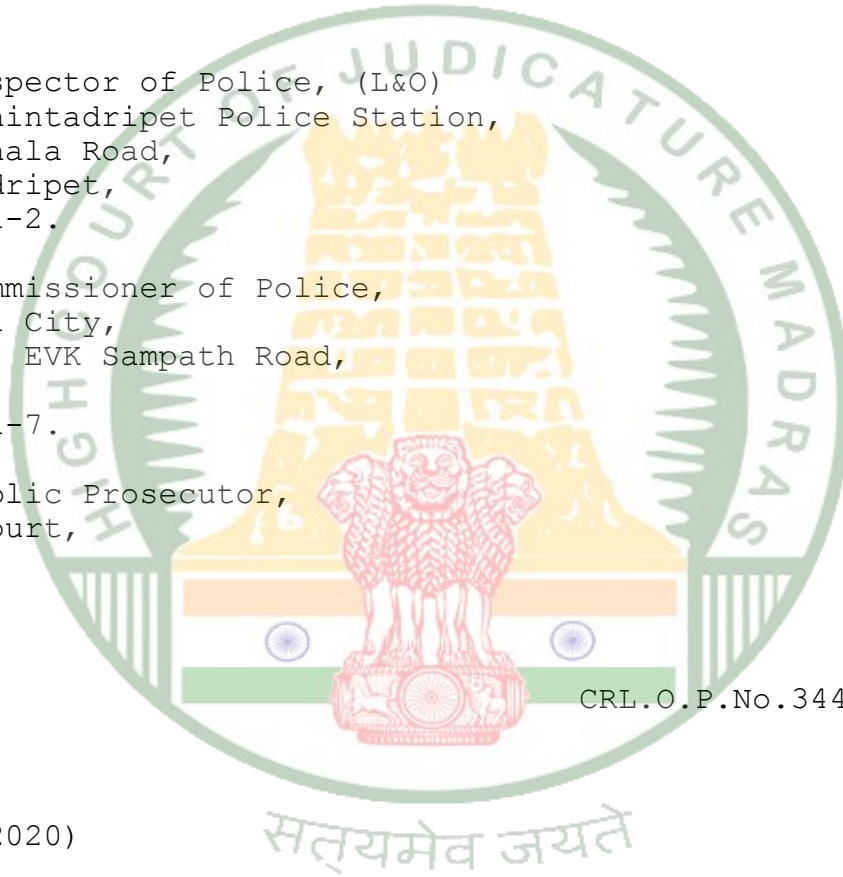
Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police, (L&O)
F-1, Chintadripet Police Station,
Arunachala Road,
Chintadripet,
Chennai-2.
2. The Commissioner of Police,
Chennai City,
No.132, EVK Sampath Road,
Vepery,
Chennai-7.
3. The Public Prosecutor,
High Court,
Madras.



CRL.O.P.No.34471 of 2019

SS (CO)
RN (19/05/2020)

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