

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.01.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.OP.No.34385 of 2019

1. S.Reghunathan
2.S.Damodaran

.. Petitioners

-vs-

1. State rep by
Inspector of Police,
T-5, Thiruverkkadu Police Station,
Chennai - 600 077.

2. P.Satish Kumar

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent not to harass the petitioners except in the due process of law.

For Petitioners : Mr.A.R.Nixon

For Respondents : Mr.C.Raghavan
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the first respondent not to harass the petitioners except in the due process of law.

2. The learned counsel for the petitioners has submitted that due to civil dispute, the second respondent has lodged a false complaint against the petitioners before the first respondent. He further submitted that based on the said complaint, the first respondent has issued summons to the petitioners directing them to appear before the first respondent for enquiry. He further submitted that without registering the FIR, the first respondent cannot issue such kind of summons.

3. The learned Government Advocate (Crl.Side) who is appearing for the first respondent has submitted that since the second respondent has lodged a complaint against the

petitioner , the summons was sent to the petitioners directing them to appear before the first respondent for enquiry purpose and they were not subjected to any harassment.

4. If the complaint lodged by the second respondent discloses cognizable offence, the first respondent has to register the case. In case, the said complaint does not disclose any cognizable offence, the first respondent is directed to enquire the second respondent with regard to his complaint and if the said enquiry reveals any cognizable offence, the first respondent has to register a case and proceed further in accordance with law and instead of that he should not unnecessarily issue summons before registering the F.I.R.

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

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

Vv

To

1. The Inspector of Police,
T-5, Thiruverkkadu Police Station,
Chennai - 600 077.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.R.Nixon, Advocate sr.205

CRL.O.P.No.34385 of 2019

nr 31/01/2020

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