



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P (MD) No.6191 of 2020

Sathishkumar

...Petitioner

Vs

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Assistant Commissioner of Police,
Tallakulam,
Madurai City,
Madurai.

...Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the second respondent herein not to harass the petitioner herein under the guise of enquiry without following due process.

For Petitioner : Mr.R.Murali

For R1 & R2 : Mr.K.K.Ramakrishnan

Additional Public Prosecutor

ORDER

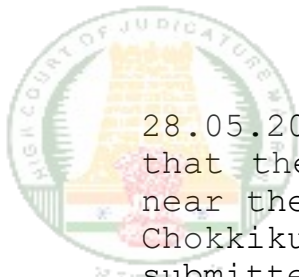
This petition is filed seeking for a direction to the second respondent not to harass him under the guise of enquiry.

2.The learned counsel for the petitioner would submit that the petitioner is a builder having his office at Thallakulam and the Assistant Commissioner of Police, Thallakulam, namely Thiru.Godwin Jegadeshkumar, under the guise of enquiry, is repeatedly visiting the petitioner's office at Chinnachokkikulam and at Poikaraipatti and is enquiring about his financial status and also the ownership of the apartments. Hence, he has filed this petition.

3.This Court, on 15.06.2020, directed the Assistant Commissioner of Police, Tallakulam, Madurai City, Madurai to file his counter.

4.In pursuance of the said order, today, i.e on 18.06.2020, the Assistant Commissioner of Police, Tallakulam, Madurai City, Madurai, has filed a counter affidavit as follows:-

"2.I respectfully submit that the allegations made in Paragraph No.3 are false and it is state with exaggeration. The Government Orders complete lock down in view of COVID-19 pandemic from 24.03.2020. During the said period, the movement of antisocial elements is closely watched and their hiding places like under construction sites and other seclude places are checked frequently to contain their illegal activities. On



28.05.2020 at about 12.30 hours, I received secret information that there some movement of anti-social elements with weapons near the petitioners under construction building site at Chinna Chokkikulam, behind Swaziaka furniture showroom. It is further submitted that the construction site is not provided with compound wall. I have visited the spot and enquired about the proprietor of the site and revealed that petitioner's office is functioning at the nearby street. I went there and advised the office in charge to maintain the construction site with proper security and compound wall to prevent the movement of anti-social elements. The allegations made in the petition that I enquired the financial status all are false and frivolous. Admittedly, I did not make any enquiry regarding the financial status of the petitioner."

5. Though this Court is not satisfied with the counter affidavit filed by the second respondent, on the stand taken by the second respondent that he has visited the petitioner's office only for warning the petitioner to take care of his properties, this Court is of the view that no further order is required in this matter.

6. Accordingly, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi/vs

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Commissioner of Police,
Madurai City, Madurai.
2. The Assistant Commissioner of Police,
Tallakulam,
Madurai City, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.6191 of 2020
18.06.2020