



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)No.7645 of 2020

WEB COPY

1.N.Maharajan
2.P.Vijayakumar
3.S.A.Kaja Mohideen
4.R.Parthasarathy
5.A.Arun,
6.M.Muthuvelraja ... Petitioners

Vs.

1.The Additional Director General of Police,
CBCID, Chennai.
2.The Inspector General of Police,
CBCID, Chennai.
3.The Deputy Inspector General of Police,
CBCID, Chennai
4.The Superintendent of Police South Zone
CBCID,
Tirunelveli.
5.The Superintendent of Police,
CBCID,
Tirunelveli.
6.The Inspector of Police,
Crime Branch CID.,
Nagercoil.
7.The Special Investigation Officer,
Crime Branch CID.,
Nagercoil
(Crime No.04 of 2020) ... Respondents



PRAYER: Petition filed under Section 482 of Criminal Procedure Code, to direct the respondents herein not to harass the petitioners under the guise of enquiry in connection with Crime No.4 of 2020.

For Petitioners : Mr.K.Govindarajan

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For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to the direct the respondents herein not to harass the petitioners under the guise of enquiry in connection with the Crime No.4 of 2020.

2. The case of the petitioners is that they are all working in HDFC Bank Limited in various positions. Initially, based on the complaint given by one Dravied, the 7th respondent police registered a case against one Kasi and Thangapandian, in Crime No.4 of 2020 for the offence under Sections 420 and 406 of IPC., and under Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003. Now, the allegation levelled by the petitioners against the 7th respondent is that under the guise of investigation, the 7th respondent herein repeatedly invited the petitioners to the Police Station and harassing them without any reasons. Therefore, order for Police protection is necessary to protect the life and liberty of the petitioners.

3. The learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 7, on instructions, would submit that though the 7th respondent made sincere efforts to collect the details of the account having by the defacto complainant and accused, the petitioners are not co-operated and give the necessary details, which are all required for completing the investigation in Crime No.4 of 2020. It is the further submission of the learned Additional Public Prosecutor that in order to support the accused, the petitioners are evaded in production of the documents. Hence, if the prayer sought for by the petitioners is granted, it would affect the investigation relates to the Crime No.4 of 2020.

4. Upon considering the arguments advanced by either side, it is not in dispute the the petitioners are only the witnesses and thereby it shall not be necessary for the Investigating Officer to harass them. Under such circumstances, since the petitioners are summoned only as witnesses, the question of not to harass will not arise. Any direction issued by this Court at this juncture will amount to interfere with the investigation conducted by the respondents police. Further, it is a settled position that this Court cannot give any direction to the investigation officer to proceed the investigation in a particular manner.



5. Hence, with the above observations, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (AS)

// True Copy //

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/ /2020

Sub Assistant Registrar(CS)

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 Additional Director General of Police,
CBCID, Chennai.
- 2.The Inspector General of Police,
CBCID, Chennai.
- 3.The Deputy Inspector General of Police,
CBCID, Chennai
- 4.The Superintendent of Police South Zone
CBCID, Tirunelveli.
- 5.The Superintendent of Police,
CBCID, Tirunelveli.
- 6.The Inspector of Police,
Crime Branch CID., Nagercoil.
- 7.The Special Investigation Officer,
Crime Branch CID., Nagercoil.

Copy to:

The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

**CRL OP(MD)No.7645 of 2020
23.07.2020**

MPK

SDS (03.08.2020) 3P-9C

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