



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.11.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD)No.12391 of 2020

Hariharasudhan

... Petitioner

Vs

1.State rep., by
The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2.The Inspector of Police,
District Crime Branch,
Thoothukudi.

... Respondents 1 & 2/Complainant

3.Paramasivan

...3rd Respondent/
Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the second respondent not to harass the petitioner in the guise of enquiry on the basis of the information given by the above named third respondent based on the petitioner's representation dated 28.10.2020.

For Petitioner : Mr.S.Mandhiralingeswaran

For R1 & R2 : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

This petition has been filed to direct the second respondent not to harass the petitioner in the guise of enquiry on the basis of the information given by the above named third respondent based on the petitioner's representation dated 28.10.2020.

2.According to the petitioner, one Sakkammal lodged a complaint against the petitioner as if the petitioner and another cheated her by giving false promise to obtain loan from the bank. Therefore, a case was registered in Crime No.15 of 2020 under Sections 406 and 420 I.P.C by the respondent police. In the meanwhile, the third respondent who is the brother of the above said Sakkammal had lodged a complaint as against the petitioner. The grievance of the petitioner is that the second respondent police knowing fully, started to harass the petitioner and his family members under the guise of enquiry and continuously threaten the petitioner. Hence, the petitioner made a representation, dated 28.10.2020 to the respondents 1 and 2 seeking not to harass him under the guise of enquiry. So far, no action has been taken. Hence, the present petition.



3.The learned Additional Public Prosecutor, appearing for the respondents 1 and 2, on instructions, would submit that based on the complaint, the petitioner was only called for an enquiry and he has not been harassed by the second respondent police.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

5.Whatever might be the circumstances, the respondent police are directed to follow the principles laid down by the Hon'ble Apex Court in **D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610** while enquiring the petitioner.

6.Accordingly, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /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 Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
District Crime Branch,
Thoothukudi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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