



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD) No.12936 of 2020

P.Moorthy

... Petitioner

Vs.

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

2.The Inspector of Police,
Special Crime Branch,
Madurai.

3.The Inspector of Police,
K.Pudhur Police Station,
Madurai.

... Respondents

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents not to harass the petitioner.

For Petitioner : Mr.K.N.Guru

For Respondents : Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents not to harass the petitioner.

2. The case of the petitioner is that he was repeatedly threatened by the second respondent police by stating that false case will be foisted against him. It is stated that many cases are pending against the petitioner's wife and he has no role in those crimes. It is further stated that the petitioner has been involved in a theft case 5 years ago, in which, he pleaded guilty and paid fine amount and thereafter he transformed himself and started his own business. The petitioner has given representation on 05.11.2020 to the respondent for not harassing him. However, the second respondent is harassing the petitioner by summoning him to the police station. Hence, the petitioner is before this Court with this Criminal Original Petition.

3.The learned counsel for the petitioner would submit that now the petitioner has transformed himself and started his own business and further he has also given undertaking that he will co-operate with the enquiry.

4.The learned Additional Public Prosecutor appearing for the respondents 1 to 3, on instructions, would submit that the petitioner's wife has 34 previous cases and the petitioner has also involved in some theft cases. Hence, he was called for an enquiry



only and the respondent police is not harassing the petitioner. He further submitted that before enquiry, summon will be issued to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

6. Whatever might be the circumstances, the respondent police shall investigate into the matter in accordance with law and the mandates as found set out in ***D.K.Basu Vs.State of West Bengal reported in AIR (1997) SC 610***. If really, the police want to interrogate, it is open for the police to issue summons to the petitioner. Thereupon, the petitioner shall appear before the police and submit himself for interrogation.

7. With the above direction, 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 Commissioner of Police,
Madurai City,
Madurai.
2. The Inspector of Police,
Special Crime Branch,
Madurai.
3. The Inspector of Police,
K.Pudhur Police Station,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of the Madras High Court,
Madurai.

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