

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2021

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P. No. 11727 of 2021

Siddhe Gowdu

..Petitioner

-Vs-

1. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

2. The Inspector of Police,
Tali Police Station,
Krishnagiri District,
Krishnagiri.

3. Manjula

4. Raghavendra

5. Swapna

6. Nandesh

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the second respondent to not to harass the petitioner expect the due process of law.

For Petitioner : Mr.K.Thenrajan

For Respondents : S.Karthikeyan

Addl. Public Prosecutor for R1&R2

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O R D E R

(The case has been heard through video conference)

The prayer sought for herein is for a Writ of Mandamus directing the second respondent not to harass the petitioner expect the due process of law.

2. The case of the petitioner is that, there is a civil dispute between the petitioner and the respondents 4 to 6. The respondents 1 and 2 have been harassing the petitioner by repeatedly calling him for an enquiry. Therefore, this petition is filed not to harass the petitioner expect the due process of law.

3. The learned counsel appearing for the petitioner submitted that, so far no FIR has been registered in this case, he is willing to appear for the enquiry and co-operate with the respondent Police, if due process of law is followed.

4. The learned Additional Public Prosecutor appearing for the respondent opposed to grant the relief as prayed for by the petitioner by referring to the recent judgment of the Supreme Court in M/s.Neeharika Infrastructure Private Limited vs. The State of Maharashtra and others rendered in CRL. A. No. 330 of 2021.

5. As rightly pointed out by the learned Additional Public Prosecutor that in Neeharika supra, the Hon'ble Supreme Court of India specifically directed the High Court to refrain from passing interim order to not harass and no coercive measures shall be adopted in the petition filed under Section 482 of Criminal Procedure Code and Article 227 of the Constitution of India. Therefore, the prayer sought for by the petitioner cannot be entertained.

6. The petitioner is directed to cooperate with the respondent Police for enquiry. If cognizable offence is made out against the petitioner, the respondent Police is directed to register FIR or otherwise close the enquiry and act in accordance with law.

7. With these observations, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(VO)

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Sub Assistant Registrar

vji

To

1. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

2. The Inspector of Police,
Tali Police Station,
Krishnagiri District,
Krishnagiri.

3. The Additional Public Prosecutor,
High Court of Madras,
Chennai - 600 104.

+1 cc to Mr.K.Thenrajan,Advocate Sr.No.27257

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KKV/14/06/2021



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