

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.05.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.12027 of 2021

Ashokan

...Petitioner

Versus

The Inspector of Police
Anupparpalayam Police Station,
Tiruppur District.
Crime No.1022 of 2021

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent Police not to harass the petitioner in the guise of investigation in Crime No.1022 of 2021 on the file of the respondent Police.

For Petitioner : Mr.Balaji Sankara Moorthy

For Respondents : Mr.L.Baskaran

O R D E R

This writ petition has been filed to direct the respondent Police not to harass the petitioner in the guise of investigation in Crime No.1022 of 2021 on the file of the respondent Police.

2.The case of the prosecution is that the deceased Saravanan committed suicide by consuming poison and before dying, he recorded a video in which he stated that he was committing suicide because the petitioner had borrowed Rs.1,50,000/- from him and failed to repay the same, and further, the petitioner called him "Nambikai Dhrogi" and that he was vexed with the same.

3.Learned counsel appearing for the petitioner submits that, since the deceased Saravanan had mentioned the name of the petitioner in his video, the respondent police have been harassing the petitioner for no reason and prays for a direction to the respondent police not to harass the petitioner in the guise of enquiry in Crime No.1022 of 2021.

4.Per contra, Mr.L.Baskaran, learned counsel for Government of Tamil Nadu (Crl. Side) submits that Crime No.1022 of 2021 has been registered only under Section 174 Cr.P.C., in which investigation is still continuing and that the petitioner has not been implicated as an accused in the said case and, therefore, the apprehension of the petitioner is unfounded and this petition is premature.

5.Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent police.

6.It is not in dispute that the case has been registered u/s 174 Cr.P.C. and that investigation is still going on. The FIR does not reveal that the petitioner has been shown as an accused. Such being the factual scenario, this Court is of the considered view that the present petition at the behest of the petitioner is premature and does not deserve acceptance. Accordingly, there is no merit in the present writ petition at this point of time and, the same is dismissed. No Costs.

Sd/-
Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

bkn/ssr
To

1. The Inspector of Police
Anupparpalayam Police Station,
Tiruppur District.
2. The Public Prosecutor,
High Court, Madras.

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PP (CO)
RMP (09/06/2021)

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