



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM :

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14772 of 2021

Mr.Kesavan,
S/o. Balakrishnan

...Petitioner

Versus

1. The Commissioner of Police,
Salem District,
T.N. - 636 002.
2. The Inspector of Police,
B-6 Kondalampatty Police Station,
Salem City, T.N. - 636 010.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondents not to harass the petitioner in the Blanket of enquiry in the CSR No.not known/2021.

For Petitioner : Mr. L.Infant Dinesh

For Respondent : Mr. A. Damodaran
Government Advocate(Crl. Side)

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed seeking a direction directing the respondents not to harass the petitioner in the blanket of enquiry.

2. The contention of learned counsel appearing for petitioner is that, the petitioner has been harassed by the 2nd respondent on the guise of enquiry and the 2nd respondent police went to his residence at odd hours and taking the family members to the police station under the guise of enquiry. The contention of the petitioner is that during the year 2011, the petitioner had some family dispute, in which, Sub-Inspector attached to the



2nd respondent police had interfered and there was a fight and on revenge of the same, the petitioner has been implicated in a false case. Thereafter, the petitioner had filed a human rights complaint before the Human Rights Commission and the petitioner is called for by the Human Rights Commission for enquiry, each time, the petitioner when appeared before the Human Rights Commission, he is called by the 2nd respondent police and 2nd respondent police forced the petitioner not to pursue the human rights complaint.

3. The learned Government Advocate (Criminal Side) would submit that the petitioner is a regular offender, earlier, he was detained under Goondas Act and at present, seven cases are pending against him. The cases are from the year 2017 to 2019 and all the cases are theft cases, which are similar in nature, and the petitioner is an habitual offender. By filing this petition, the petitioner wants to keep the police away and to continue with his activities. To monitor the situation, the petitioner was called for enquiry and ascertain his movements, which is a routine procedure, it should be followed on the habitual offender.

4. Heard the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing on behalf of the respondents.

5. Considering the submissions, it is not in dispute, the petitioner has got several cases, which are pending against him. Further, the petitioner earlier detained under Goondas Act and the petitioner is an habitual offender. In view of the same, calling the petitioner for enquiry cannot be termed as harassment. The grievance of the petitioner is that he may be permitted to appear before the trial court, so that he can effectively defend his case. Hence, recording his submissions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpp/rgi

To

1. The Commissioner of Police,
Salem District,
T.N. - 636 002.



2. The Inspector of Police,
B-6 Kondalampatty Police Station,
Salem City, T.N. - 636 010.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.L.Infant Dinesh, Advocate, S.R.No.42823

CRL.O.P.No.14772 of 2021

GJ[co]
NSK 09/09/2021