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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.22611 of 2021

R.Senthil Kumar

... Petitioner

Versus

1. The Secretary,
Home Department,
Secretariat,
Chennai - 600 009.
2. The Superintendent of Police,
O/o. Superintendent of Police,
Dharmapuri,
Dharmapuri District.
3. The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Inspector of Police, Krishnapuram Police Station, Dharmapuri District, 3rd respondent herein not to harass the petitioner by misusing the police power and violating the human right as per Article 21 of Constitution of India.

For Petitioner : Mr.M.G.Jayaseelan

For Respondents : Mr.R.Vinoth Raja
Government Advocate (Crl. Side)

O R D E R

This Writ petition is filed to direct the Inspector of Police, Krishnapuram Police Station, Dharmapuri District, 3rd respondent herein not to harass the petitioner by misusing the police power and violating the Human Rights as per Article 21 of The Constitution of India.



2.The contention of the petitioner is that the petitioner has been called at the odd hours and harassed by the respondent police in the guise of enquiry. Hence, the above Writ Petition is filed.

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3.The learned Government Advocate [Crl. Side] submits that the petitioner is an accused in Crime No.974 of 2020, for offence under Sections 406 and 420 of the I.P.C. The petitioner had misappropriated and cheated the defacto complainant to the tune of Rs.7,62,000/-. Investigation is in progress and final report is to be filed. For the purpose of investigation, the petitioner was called for enquiry, which cannot be termed as harassment. He further submits that there are other cases of similar nature pending against the petitioner.

4.Considering the submission that the petitioner is an accused and the petitioner is being summoned for enquiry cannot be termed as harassment. The respondent police to serve summons on the petitioner, calling for enquiry. In view of the same, this court finds that the petitioner being searched and called for enquiry, cannot be termed as harassment and it is part of the investigation.

5.Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

drm/ah

To

1. The Secretary,
Home Department,
Secretariat,
Chennai - 600 009.
2. The Superintendent of Police,
O/o. Superintendent of Police,
Dharmapuri,
Dharmapuri district.



3. The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.

4. The Public Prosecutor,
High Court, Madras.

+1CC to Mr.A.Balasingh Ramanujam, Advocate, Sr.No.54730

W.P.No.22611 of 2021

PMK (CO)
K.RK. (10.11.2021)