



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18866 of 2021

1. V.Manogar Singh
2. H. Hari Singh
3. D. Desukanwar
4. M. Utham Singh

... Petitioners

Versus

1. The Commissioner of Police,
Salem City, Salem.
2. The Assistant Commissioner of Police,
Shevapet Circle, Shevapet Police Station,
Shevapet, Salem,
Salem District.
3. The Inspector of Police,
Shevapet Police Station,
Shevapet, Salem District

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents police not to harass the petitioners in the guise of registering a false case under the provisions of the IPC offences..

For Petitioners : Mr. R. Hemalatha,
for C. Prakasam

For Respondents : Mr. R. Vinothraja
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the respondents not to harass the petitioners.

2. The learned counsel for the petitioners would submit that the petitioners belongs to North India and doing business in Salem town. The respondent police has foisted false cases against them as though they were involved in selling Tobacco products. The 3rd petitioner is a female and she is not involved in any case. However, the respondent police are constantly harassing the petitioners under the guise of enquiry.



3. The learned Government Advocate (crl.side), would submit that the first petitioner is an accused in Crime No.594/2020 & 306 of 2021, the 2nd petitioner is an accused in Crime No.265 of 2021 and the 4th petitioner is an accused in Crime NO.264 of 2019 & 1259 of 2021. Though the 3rd petitioner is not an accused, her husband is accused in Crime No.595 of 2021, 1243 of 2021 and hence, all the petitioners are required for the purpose of investigation and enquiry. All the petitioners were arrested and they obtained bail in all the cases with certain conditions and one of the conditions is that the petitioners shall appear before the respondent police as and when called for enquiry. Now, calling the petitioners for enquiry is termed as harassment.

4. Considering the fact that the petitioners 1,2 and 4 are accused with regard to Tobacco cases and the husband of the 3rd petitioner is also an accused, all were arrested and let out on bail on condition that they shall appear before the respondent police. Now, calling them for enquiry cannot be termed as an harassment and hence this Criminal Original Petition is liable to be dismissed.

5. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Commissioner of Police,
Salem City, Salem.
2. The Assistant Commissioner of Police,
Shevapet Circle, Shevapet Police Station,
Shevapet, Salem,
Salem District.
3. The Inspector of Police,
Shevapet Police Station,
Shevapet, Salem District
4. The Public Prosecutor(Crl.Side),
High Court, Madras.

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