



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.23074 of 2021

Ameer John

... Petitioner

Versus

State rep. by
The Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent not to harass the petitioner in any manner.

For Petitioner : Mr.A.K.M.Samsu Nihar

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent not to harass the petitioner in any manner.

2.The grievance of the petitioner is that notice dated 18.11.2021 had been issued by the respondent Police. Though designed as 41-A and 91 Cr.P.C., it amounts to petitioner being forced to give undertaking which has caused harassment and in the nature of 110 of Cr.P.C., the petitioner executed a bond.

3. The contention of the petitioner is that the petitioner is an accused in Crime No.220 of 2021 and also obtained Anticipatory Bail. In the case, the petitioner had complied with the condition, except the condition to deposit Rs.5,00,000/- for which the petitioner had approached this Court in Crl.O.P.No.10738 of 2021 and the condition was modified to Rs.3,00,000/-. Now the notice appears to be an indirect threat for the petitioner as though the petitioner would be proceeded against under Section 41A (3) (4), failing to look into the fact



that the petitioner had obtained the Anticipatory Bail from the Competent Court.

4.The learned Additional Public Prosecutor submitted that the notice issued by the respondent Police seems to be abrasive and unnecessary. He further submitted that instructions would be issued to the respondent Police to show restraint and he would properly advise them.

5.This Court finds that the notice issued by the respondent Police dated 18.11.2021 is beyond his jurisdiction. In view of the same, the respondent Police is directed to withdraw the same and not to act on it. If the petitioner is required for any enquiry, proper notice is to be issued. The respondent police is reminded about the fact that the petitioner had already obtained an Anticipatory Bail in Crime No.220 of 2021 from a Competent court.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

dna/mdl

To

1.The Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai District.

2.The Public Prosecutor
High Court, Madras.

CrI.O.P.No.23074 of 2021

GSM(CO)
GN(04/01/2022)