



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.23163 of 2021

T.Saravanan

... Petitioner

Versus

1.The Inspector of Police,
Namakkal Town Police Station,
Namakkal District,
Namakkal.

2.T.Andal

3.Dr.T.Ragupathi

... Respondents

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

For Petitioner : Mr.K.S.Karthik Raja

For R1 : Mr.E.Raj Thilak,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed to direct the first respondent, not to harass the petitioner.

2.The grievance of the petitioner is that on his complaint a case in Crime No.535 of 2015 for offence under Sections 294(b), 323 and 506(ii) IPC came to be registered on 14.07.2015. It was a family dispute and a Civil Suit in O.S.No.40 of 2015 was filed for partition and the same is pending for the past six years. This being the case, the respondent police after six years calling the petitioner at odd hours and causing harassment to the petitioner.

3.The learned Additional Public Prosecutor submits that the petitioner herein had lodged a complaint before the respondent police and a case in Crime No.535 of 2015 came to



be registered. Thereafter on completion of investigation, charge sheet filed before the Judicial Magistrate Court No.I, Namakkal and the same has been taken on the file of the Judicial Magistrate Court No.I, Namakkal. On several earlier occasion, summons have been issued on the petitioner for being LW1 and he failed to appear before the trial Court. The trial Court had pressurized the respondent police to serve the summons on the petitioner. Whenever the respondent police approached the petitioner, the petitioner was evading the same. Hence a message was passed to the petitioner to appear before the respondent police and receive the summons copy.

4.The petitioner is now citing the reason that a partition suit is pending in O.S.No.40 of 2015. Only after the completion of the partition suit proceedings, he can appear before the Criminal Court. On the other hand, the Judicial Magistrate No.I, Namakkal on 01.12.2021, posted the case for trial on 13.12.2021 and directed the respondent police to serve summons to the witnesses on the petitioner. For which the petitioner was called for and now it has been termed as harassment.

5.Considering the submissions and on perusal of the materials, this Court finds that on the complaint of the petitioner a case in Crime No.535 of 2015 came to be registered and charge sheet has been filed. The Judicial Magistrate Court No.I, Namakkal has taken the case on file as C.C.No.74 of 2016, which is pending trial from the year 2016, without any progress. In view of the same, the respondent police is directed to serve the summons to the petitioner. The petitioner is directed to receive the summons and to appear before the trial Court on 13.12.2021. The pendency of the partition suit cannot be a reason for evading the summons in a criminal case and it cannot be termed as harassment.

6.Accordingly, this Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.I,
Namakkal.



2.The Inspector of Police,
Namakkal Town Police Station,
Namakkal District,
Namakkal.

3.The Public Prosecutor,
High Court,
Madras.

Cr1.O.P.No.23163 of 2021

RSV (CO)
PR (27/12/2021)