



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.02.2021**

CORAM :

THE HONOURABLE **Mrs. JUSTICE R. HEMALATHA**

Crl.O.P. (MD)No.1853 of 2021

K.Neethimohan

...Petitioner

/Vs./

1.The Commissioner of Police,
O/o. Commissioner of Police,
Alagar Kovil Road, Madurai-7.

2.The Assistant Commissioner of Police,
O/o. 1st Floor, Thilagar Thidal Police Station,
Tamilasangam Road, Madurai-1.

3.Balamurugan,
Inspector of Police,
Karimedu Police Station,
Madurai-16.

4.Ilangovan,
Head Constable,
Karimedu Police Station,
Madurai City.

5.K.Soundrapandian

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to direct the third and fourth respondents not to harass the petitioner under the guise of an enquiry and consequently direct the first and second respondents to initiate legal action against the third and fourth respondents.

For Petitioner : Mr.Arumugam.C.M.

For Respondents 1 to 4 : Mr.S.Chandra Sekar
Additional Public Prosecutor

Mr.R.Anand for R5

ORDER

The present petition is filed by the petitioner seeking for a direction to the third and fourth respondents not to harass the petitioner under the guise of an enquiry.



2. Mr.S.Chandra Sekar, learned Additional Public Prosecutor, who accepts notice on behalf of the respondents 1 to 4, on instructions, would contend that the complaint lodged by the fifth respondent with the third respondent was registered in C.No.06/PG/AC/TTL/HO/21 and posted for enquiry. His further contention is that though summons were issued, the petitioner did not appear for the enquiry.

3. Mr.R.Anand, learned counsel appearing on behalf of the fifth respondent contended that though the complaint lodged by the fifth respondent with the third respondent discloses cognizable offences, the police has not registered First Information Report.

4. In the facts and circumstance of the present case, the third respondent is directed to follow the guidelines issued in the decision in ***D.K.Basu Vs. State of West Bengal*** reported in ***AIR (1997) SC 610*** if any cognizable offence is made out.

5. With the above observations, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note In view of the present lock down : owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner of Police,
O/o. Commissioner of Police,
Alagar Kovil Road, Madurai-7.



2.The Assistant Commissioner of Police,
O/o. 1st Floor, Thilagar Thidal Police Station,
Tamilasangam Road, Madurai-1.

3.The Inspector of Police,
Karimedu Police Station, Madurai-16.

4.The Head Constable,
Karimedu Police Station, Madurai City.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.C.M.ARUMUGAM, Advocate (SR-4363[F] dated 10/02/2021)

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