



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVA**

Crl.O.P.(MD).No.5927 of 2021

R.Suriyaprakash

... Petitioner

Vs.

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
Avaniyapuram Police Station,
Madurai.

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent not to harass the petitioner and his family members without following the due process of law.

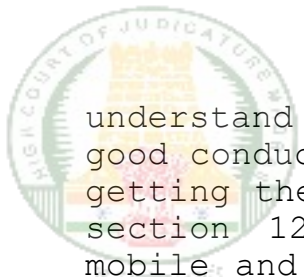
For Petitioner : Mr.K.Sathish Kumar

For Respondents : Mr.K.Suyambulingam Bharathi,
Government Advocate (Crl.Side).

ORDER

This Criminal Original Petition is filed seeking a direction to the second respondent not to harass the petitioner and his family members without following the due process of law.

2. The case of the petitioner is that he has studied B.Sc., (Visual Communication) and a degree-holder and he is working as a Delivery Boy in the Amazon company. The petitioner's mother is working as a Village Administrative Officer at Viraganoor, Madurai. The petitioner's brother is working as a Junior Assistant in Education Department. The petitioner belongs to a reputed family. In the said circumstances, in the year 2018, the petitioner was falsely implicated in one case by the second respondent police. He never involved in any offence and for the past 3 years, no case has been registered against the petitioner and further there is no complaint as against the petitioner. For the past one week, every day, the second respondent police come to the petitioner's house and threatening his mother and brother to produce the petitioner before them, failing which, they will register a false case against the petitioner. There is no complaint against the petitioner and the petitioner did not involve in any crime. In order to wreck vengeance, the police officials have unnecessarily harassing the petitioner and his family members. When the petitioner enquired about the illegal act of the second respondent, he came to



understand that the second respondent are trying to get a bond of good conduct from the petitioner by way of threatening him and after getting the bond, they will register a false case and try to invoke section 122(1)(b) of Cr.P.C against the petitioner through his mobile and threatened him to come to the police station along with his Aadhar card or otherwise, they will do anything as against the petitioner and put him in jail permanently. The second respondent police without issuing any notice under Section 110 of Cr.P.C, are compelling the petitioner to execute a bond of good conduct. Till now, no notice or order has been served to the petitioner. Moreover, there is no complaint pending against the petitioner. Under these circumstances, the second respondent police are unnecessarily disturbing the peaceful life of the petitioner and illegally harassing the petitioner and threatened him to execute a bond and direct him to give sureties. Therefore, he approached the first respondent many times and gave a representation in-person to prevent the harassment of the second respondent. But no action has been taken on the petitioner's representation. Therefore, on 20.04.2021, the petitioner had sent another representation to the first respondent to prevent the illegal activities of the second respondent and to prevent the petitioner from making any harassment by the second respondent. But no action was taken on the petitioner's representation. Since the petitioner and his family members are unnecessarily harassed by the second respondent, he is constrained to file this petition.

3.The learned Public Prosecutor would submit that offensive charges made in Crime No.861 of 2018 is for the offences under Sections 147, 148, 294(b), 324 & 506(i) of IPC on the file of the second respondent herein and arrayed as A6. The first accused, is absconding for enquiry. This petition has been filed to call for an enquiry and this must considered by the respondent Police.

4.The learned Public Prosecutor would submit that the first accused has been secured in the presence of the petitioner. Further enquiry is not required. So, question of harassment does not arise at all.

5.Recording the statement made by the learned Public Prosecutor, this Criminal Original Petition stands dismissed as infructuous.

Sd/-

Assistant Registrar (CS-I)

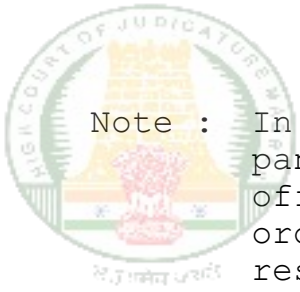
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/ /2021

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

- To
1. The Commissioner of Police,
Madurai City,
Madurai.
 2. The Inspector of Police,
Avaniyapuram Police Station,
Madurai.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.SATHISH KUMAR, Advocate (SR-18209[F]dated 30/04/2021)

Crl.O.P.(MD)No.5927 of 2021
29.04.2021

RK (11.08.2021) 3P 5C