



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.17922 of 2021

S.Baskaran

... Petitioner

Vs.

1.The Director General of Police,
CBCID,
24, Bandian Road,
Komaleeswaran Kottai,
Egmore, Chennai.

2.The Inspector of Police,
CBCID,
Madurai District.

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd respondent herein not to harass the petitioner in the name of enquiry.

For Petitioner : Mr.D.Karthickraja
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side).

O R D E R

Heard the learned counsel on either side.

2.This criminal original petition has been filed for forbearing the second respondent from harassing the petitioner in the name of enquiry.

3.One Chelladurai had died on 13.10.2020. A case was registered in M.Kallupatti police station for the offence under Section 302 of IPC. Later the case was transferred to the second respondent. The second respondent appears to be entertaining a doubt that it could be an accidental death and not homicidal death. The investigation officer is of the view that the vehicle belonging to the petitioner was involved in the said occurrence. Therefore, the second respondent has issued summon to the petitioner to appear before him along with vehicle. This has furnished the reason for filing this criminal original petition.



4.I must straightway observe that the very filing of this criminal original petition is misconceived. The respondent as investigating officer is entitled to summon the persons whom he thinks are connected with the occurrence as witnesses. Since the second respondent is of the view that the vehicle belonging to the petitioner was involved in the occurrence, he was entitled to call upon the petitioner to cause production of the vehicle. The exercise of statutory function by the investigation officer will not constitute harassment. The learned counsel for the petitioner stated that this Court can consider moulding the relief. Taking an indulgent view of the matter, I called upon the respondents to enlighten me as to the steps they propose to take. It is submitted by the second respondent that after the petitioner produces his vehicle, it will be sent to the Motor Vehicle Inspector for inspection. Thereafter, the bumper of the vehicle will be removed and sent for analysis. The second respondent will return the vehicle to the petitioner thereafter. The entire process may take about three days.

5.The said submission made by the second respondent is recorded and the criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar (CO)

// 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 Director General of Police,
CBCID,
24, Bandian Road,
Komaleeswaran Kottai,Egmore, Chennai.
- 2.The Inspector of Police,
CBCID,
Madurai District.



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

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MGJ/PM(25.11.2021) 3P 4C