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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.1369 of 2022

Suganya

... Petitioner

Vs.

1.The Commissioner of Police,
O/o.The Commissioner of Police,
E.V.R. Road, Vepery,
Chennai - 600007.

2.State Rep. by
The Inspector of Police, CCB-I,
Job Racket Wing, Team 28,
Central Crime Branch (CCB),
4th Floor, Chennai Police,
Vepery, Chennai - 600 007.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police not to arrest the petitioner in Crime No.84 of 2021, on the file of the second respondent.

For Petitioner : Mr. Ilayaraja Kandasamy

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

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to arrest the petitioner in Crime No.84 of 2021, on the file of the second respondent.

2.The prayer sought for by the petitioner is restraintment of the second respondent or any other police officials from arresting the petitioner. The petitioner further submits that her husband was arrested in crime No.84 of 2021, for offences under Sections 406, 420, 465 & 468 IPC and later, the case was altered by way of alteration report to Sections 406, 420, 465 & 468 r/w 34 IPC. The grievance of the petitioner is that at the time of her husband's arrest, her ration card and other documents were taken by the respondent police. When the



petitioner questioned the same, wordy quarrel arose between the petitioner and the respondent police. Therefore, the petitioner apprehends torture and harassment and hence filed the above petition.

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3. From the alteration report produced by the petitioner, it is seen that the petitioner is very much involved in the offence. The petitioner and her husband had involved in job racketing, collected huge sums of money and cheated several persons. The petitioner's prayer is not maintainable since the Supreme Court and High Court have held that arresting is the prerogative of the Investigating officer and no arrest can be made in a routine manner on a mere allegation of commission of an offence and there must be reasonable satisfaction reached after some investigation. If the petitioner is aggrieved, the petitioner has to file an anticipatory bail petition.

4. Finding that the petitioner's prayer is not maintainable, this criminal original petition is dismissed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

sli

To

1.The Commissioner of Police,
O/o.The Commissioner of Police,
E.V.R. Road, Vepery,
Chennai - 600007.

2.The Inspector of Police, CCB-I,
Job Racket Wing, Team 28,
Central Crime Branch (CCB),
4th Floor, Chennai Police,
Vepery, Chennai - 600 007.

3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.1369 of 2022

KV (CO)
PR (09/02/2022)