



WEB COPY



W.P.No.26524 of 2021

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.26524 of 2021

Mr. V. Ramesh Wasan

...

Petitioner

/vs/

1.The Assistant Commissioner of Police,
Pallavaram, Chennai 600 043.

2.Inspector of Police,
Shankar Nagar Police Station,
Shankar Nagar, Pammal,
Chennai 600 075.

3.S.Chitra

...

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus to direct the respondents not to
harass the petitioner on the guise of enquiry/investigation.

For Petitioner

...

Mr . S. Sathyaraj

For Respondents

...

Mr.A.Damodaran for R1 & R3
Additional Public Prosecutor
Mr. K.V. Muthuvisagan for R3



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ORDER

This Writ Petition has been filed by the petitioner for issuance of Writ of Mandamus to direct the respondents 1 and 2 not to harass the petitioner under the guise of enquiry based on the complaint given by the 3rd respondent.

2. It is alleged in the complaint that the petitioner obtained Rs.30,00,000/- for investing the same in building construction from the 3rd respondent, under the false promise that he would repay the entire money invested with him after three years, along with 25% profit, however, he neither repaid the money as promised, nor returned the amount he received.

3. The learned counsel for the petitioner submits that based on the complaint given by the 3rd respondent, the 2nd respondent police is harassing the petitioner by calling him to appear for enquiry. According to the petitioner, whatever he had with the 3rd respondent is only business



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dealings in connection with the development of the lands belonging to the 3rd respondent.

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that based on the complaint given by the 3rd respondent, a case has been registered against the petitioner in Crime No.225 of 2022 on 18.4.2022 for the offences punishable under sections 406 and 420 IPC and the same is under investigation.

5. Heard the learned counsel for the petitioner, learned Additional Public Prosecutor for the respondents 1 and 2 and learned counsel appearing for the 3rd respondent.

6. Since the petitioner happened to be an accused in the complaint given by the 3rd respondent, the petitioner is directed to co-operate with the respondent police for enquiry. However, the respondent police/investigation officer shall conduct enquiry without harassing the petitioner either physically or mentally and by strictly following the



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guidelines laid down by the Hon'ble Supreme Court in the case of **Lalita**

Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)].

7. With the above direction, this writ petition is disposed of. No costs.

22.11.2022

Index: Yes/No
Internet: Yes/No
msr

To

1.The Assistant Commissioner of Police,
Pallavaram, Chennai 600 043.

2.Inspector of Police,
Shankar Nagar Police Station,
Shankar Nagar, Pammal,
Chennai 600 075.



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R.N.MANJULA,J.

msr

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