



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

WRIT PETITION NO.27257 OF 2021

C.Ranganathan

... Petitioner/Accused

.Vs.

The Inspector of Police,
Anti-Land Grabbing Special Cell,
Krishnagiri,
Krishnagiri District.
(Crime No."Not Known of 2020)

... Respondent

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent police not to harass the petitioner under the guise of investigation, without following the orders of this Hon'ble Court made in Crl.O.P.No.10372 of 2020 dated 10.07.2020.

For Petitioner : Mr.K.A.Mariappan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The writ petition has been filed seeking issuance of a writ of mandamus to direct the respondent police not to harass the petitioner under the guise of investigation without following the orders of this court in Crl.O.P.No.10372 of 2020 dated 10.7.2020.

2. Learned counsel appearing for the petitioner would submit that one Srinivasan Nambi had given a complaint against the petitioner and the respondent had earlier initiated enquiry in C.No.89/H2/SP-Gri/ALGSC/KG/2019 and the petitioner applied for anticipatory bail in unknown Crime Number in Crl.O.P.No.10372 of 2020 and this court, while disposing the



Application, had directed the respondent to issue notice under Section 41-A Cr.P.C. to the petitioner and the respondent police was directed to conduct enquiry by strictly following the procedures therein. The respondent/investigation officer was also directed to either register a First Information Report or close the complaint by 6.8.2020. He would further submit that in compliance of the order of this court, the petitioner had appeared before the respondent, however, no further action was taken by the respondent and subsequently, on the same set of facts, the said Srinivasan Nambi appears to have given another complaint on 2.11.2021 and it has been taken up in C.No.495/2021 pursuant to which, the petitioner is being harassed by the respondent. The learned counsel for the petitioner would further submit that even without service of summons, the petitioner is prepared to appear before the respondent.

3. Learned Additional Public Prosecutor would submit that the petitioner had earlier filed Application in CrI.O.P.No.10372 of 2020 seeking anticipatory bail and this court also directed the respondent to conduct enquiry by following the procedures contemplated under Section 41-A Cr.P.C, however, when the respondent had attempted to serve notice on the petitioner, he was not available in the address and thereafter, the complainant also did not turn up and thereby, there was no progress and subsequently, on the same set of facts, the said Srinivasan Nambi had given a fresh complaint which has been registered in C.No.495/2021. He would also submit that the respondent is only conducting enquiry without harassing the petitioner and he would submit that both the Reference Numbers pertain to one and the same averments and therefore, the respondent would conduct the enquiry without harassing the petitioner and if the petitioner appears, before the respondent, the enquiry will be taken up in accordance with Section 41-A Cr.P.C.

4. In view of the submissions made by the learned counsel for the parties, the writ petition stands closed with an observation that the petitioner shall appear before the respondent on 13.2.2022 at 10.30 am and the enquiry shall be conducted by the respondent in accordance with Section 41-A Cr.P.C.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssk



To

1. The Inspector of Police,
Anti-Land Grabbing Special Cell,
Krishnagiri,
Krishnagiri District.

2. The Public Prosecutor,
High Court, Madras.

WRIT PETITION NO.27257 OF 2021

AJB (CO)
PBS/09/02/2022