



WEB COPY



Crl.O.P.No.28281 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.28281 of 2022

Mr.A.Petchimuthu

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Tambaram Police Commissioner,
No.42/1, Medavakkam Main Road,
Sholinganallur, Chennai 600 119.

2.The Inspector of Police,
S10, Pallikaranai Police Station,
Velachery-Tambaram Main Road,
Ambedkar Nagar,
Jalladianpet, Chennai 600 100.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent not to harass the petitioner except in accordance with law.

For Petitioner : Mr.M.Ravikumar

For Respondents : Mr.S.Santhosh,
Govt. Advocate (Crl.Side)

ORDER



Crl.O.P.No.28281 of 2022

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner except in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

3. The learned counsel for the petitioner submitted that on the complaint given by one Krishna Moorthy against the petitioner during the year 2014 itself, a case has been registered in Crime No.1530 of 2014 before T-4, Maduravoyal Police Station, Chennai; the petitioner has also obtained anticipatory bail *vide* order of this Court in Crl.O.P.No.118 of 2015 dated 09.01.2015; it is to be noted that the defacto complainant himself has filed an Intervening Petition in the Anticipatory Bail Petition and after hearing the parties, the said petition was also dismissed on 26.11.2014; after investigation, the charge sheet has also been filed against the petitioner before the learned Judicial Magistrate – I, Poonamallee and it is yet to be taken on file; on the very same allegations, the petitioner has once again given another complaint in Tambaram Police Station and the same was transferred to the second respondent police on the point of jurisdiction.



Crl.O.P.No.28281 of 2022

4. The records would show that on the complaint given by one Krishna Moorthy, a case has been registered in T-4, Maduravoyal Police Station in Crime No.1530 of 2014 under Sections 406, 420 & 506(ii) IPC. According to the petitioner, investigation in the said case has been completed and the charge sheet has been filed and the petitioner was granted with Anticipatory Bail in the said case. If an another complaint is given on the very same allegation, the second respondent cannot make another enquiry for the very same occurrence.

5. However, the learned Government Advocate (Crl.Side) submitted that if the enquiry on the said complaint reveals about the earlier complaint and the present complaint has been given again on the very same allegations, the present complaint will be closed.

6. It is to be noted that an another petition has also been filed by the said Krishna Moorthy in Crl.O.P.No.29482 of 2015 for cancelling the Anticipatory Bail granted to the petitioner and the same was dismissed on 06.09.2021 by stating that the charge sheet has already been filed and it is upto the parties to participate in the trial.



CrI.O.P.No.28281 of 2022

7. In view of the above stated reasons, the second respondent is directed to clarify whether the complaint received by him was for the very same allegation that has been already made in the year 2014 and do the needful in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

8. With the above observations, this Criminal Original Petition is disposed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

18.11.2022

To



CrI.O.P.No.28281 of 2022

- 1.The Commissioner of Police,
Office of the Tambaram Police Commissioner,
No.42/1, Medavakkam Main Road,
Sholinganallur, Chennai 600 119.
- 2.The Inspector of Police,
S10, Pallikaranai Police Station,
Velachery-Tambaram Main Road,
Ambedkar Nagar,
Jalladianpet, Chennai 600 100.
- 3.The Public Prosecutor,
High Court, Madras.

R.N.MANJULA, J.

gsk



WEB COPY



Crl.O.P.No.28281 of 2022

Crl.O.P.No.28281 of 2022

18.11.2022