



Crl.O.P No.31989 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **22.12.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.31989 of 2022

Ganeshan

... Petitioner

Vs.

1. The Superintendent of Police,
Pothinayanapally,
Jakkappan Nagar,
Krishnagiri - 635 001.

2. The Deputy Superintendent of Police,
Pothinayanapally,
Jakkappan Nagar,
Krishnagiri - 635 001.

3. The Sub-Inspector of Police,
Uthangarai Police Station,
Krishnagiri - 635 207.

... Respondents

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the third respondent police not to harass the petitioner by appreciating the facts and circumstances of the case.

For Petitioner : Mr. Deepan Uday

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



ORDER

This Criminal Original Petition has been filed to direct the third respondent police not to harass the petitioner by appreciating the facts and circumstances of the case.

2. The learned counsel for the petitioner submitted that on 07.07.2022 an order has been passed by this Court in Crl.O.P. No.10874/2022 by setting aside the order passed against the petitioner by the learned Executive Magistrate under Section 110 Cr.P.C; even thereafter, the third respondent is threatening the petitioner that he will add the petitioner in the history sheet and thus causing mental trauma to the petitioner.

3. The learned Government Advocate (Crl. side) submitted that he has not received any effective instruction in this regard.

4. The petitioner had alleged that he is being harassed continuously by the third respondent by stating that he will be included in the history sheet list. Since holidays intervene, I feel it is appropriate to give some direction to the respondent police.



WEB COPY

5. The petitioner has stated that he has got two cases. In one case further action has been dropped and in another case he is facing trial. It is to be noted that this Court has to set aside the order passed against the petitioner under Section 110 Cr.P.C. If the third respondent is harassing the petitioner that he will be added in the history sheet list, that will only cause mental trauma to him. Since proceedings under Section 110 Cr.P.C. itself was set aside, I do not feel any immediate necessity for the police to consider the petitioner as a history sheetee. The third respondent shall adopt the legal means to conduct any enquiry for any reason without resorting to coercive tactics.

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

23.12.2022

Index : Yes/No
Speaking Order : Yes / No
bkn



WEB COPY



Crl.O.P No.31989 of 2022

R.N.MANJULA, J.,

bkn

To:

1. The Superintendent of Police,
Pothinayanapally,
Jakkappan Nagar,
Krishnagiri - 635 001.
2. The Deputy Superintendent of Police,
Pothinayanapally,
Jakkappan Nagar,
Krishnagiri - 635 001.
3. The Sub-Inspector of Police,
Uthangarai Police Station,
Krishnagiri - 635 207.
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P No.31989 of 2022

23.12.2022