



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.135 of 2022

S.Somasundaram

... Petitioner

Vs.

1.The Inspector of Police,
Taluk Police Station,
Kumbakonam,
Thanjavur District.

2.The Sub Inspector of Police,
Pattiswaram Police Station,
Pattiswaram,
Kumbakonam,
Thanjavur District.

3.V.G.Ponnusamy

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondents not to harass the petitioner and to consider the petitioner's representation, dated 19.12.2021 which is pending before the respondents.

For Petitioner : Mr.T.R.Subramanian

For Respondents : Mr.B.Thanga Aravindh

Government Advocate (Crl.Side)for R.1 & R.2

ORDER

The petitioner alleges harassment at the hands of the respondent police. To forebear them in doing so, this Criminal Original Petition has been filed.

2. When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) submitted that the third respondent has given a complaint against the petitioner and that, it is pending enquiry.

3. In these circumstances, in the interest of justice, the following directions are issued:-

(a) If the respondent police propose to enquire the petitioner, they will be summoned only in writing. There is no question of orally summoning the petitioner;



(b) After the petitioner appears before the jurisdictional police, enquiry will be conducted and concluded within a period of two weeks thereafter;

(c) If the jurisdictional police come to the conclusion that the issue is purely civil in nature, the complaint shall be closed; and

(d) If the police come to the conclusion that cognizable offence is made out against the petitioner, an FIR can be registered but the petitioner will be given due notice of the same so that they will have breathing time to move the concerned Court for the relief of anticipatory bail.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector of Police,
Taluk Police Station,
Kumbakonam,
Thanjavur District.

2.The Sub Inspector of Police,
Pattiswaram Police Station,
Pattiswaram,
Kumbakonam,
Thanjavur District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.R.SUBRAMANIAN, Advocate(SR-1345[F] dated
12/01/2022)

Crl.O.P.(MD)No.135 of 2022

11.01.2022

MGJ(04.02.2022) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>