



WEB COPY



Crl.O.P.No.22752 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22752 of 2023

D.Rajan

... Petitioner

Vs.

1.The Commissioner of Police,
Office of Commissioner of Police,
Avadi, Chennai.

2.The Inspector of Police,
Central Crime Branch, 2nd Floor,
Office of Commissioner of Police,
Avadi, Chennai.

3.Pushpanathan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st and 2nd respondent not to harass the petitioner based on the false complaint as against the petitioner given by the defacto complainant/3rd respondent.

For Petitioners : No appearance

For R1 & R2 : Mr.S.Udayakumar
Government Advocate (Crl.Side)



Crl.O.P.No.22752 of 2023

WEB COPY

ORDER

This Criminal Original Petition is filed seeking direction to the respondents 1 & 2 not to harass based on the complaint given by one Pushpanathan against him.

2. The learned Government Advocate (Crl.Side) appearing for the State submits that a petition was received from one Pushpanathan. To make the preliminary enquiry to find out whether there is any cognizable offence made out, the petitioner was called over phone. However, the petitioner sent a communication on 11.08.2023 by registered post intimating that there is a civil dispute between him and Pushpanathan and therefore, he is not inclined to participate in the preliminary enquiry. Thereafter, he has approached this Court not to harass.

3. The learned Government Advocate (Crl.Side) further submits that the presence of the petitioner is required to find out the veracity of the complaint. If the petitioner participated in the enquiry on receipt of summon under Section 41 A Cr.P.C., the complaint of the Pushpanathan will be given quietus or will be proceeded in accordance



Crl.O.P.No.22752 of 2023

with law after considering the explanation.

WEB COPY

4. Recording the same, this Criminal Original Petition is disposed of directing the petitioner to appear before the respondent police on receipt of summons

12.10.2023

rpl

To

1.The Commissioner of Police,
Office of Commissioner of Police,
Avadi, Chennai.

2.The Inspector of Police,
Central Crime Branch, 2nd Floor,
Office of Commissioner of Police,
Avadi, Chennai.

3.The Public Prosecutor,
High Court of Madras,
Chennai-109.

Dr.G.JAYACHANDRAN,J.



WEB COPY



Crl.O.P.No.22752 of 2023

rpl

Crl.O.P.No.22752 of 2023

12.10.2023