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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.23200 of 2023

N.Balakrishnan

... Petitioner

Vs.

1.The Commissioner of Police,
Tambaram, Chennai.

2.The Deputy Commissioner of Police,
Tambaram, Chennai.

3.The Inspector of Police,
T2 – Chrompet Police Station,
Chrompet, Chennai – 47.

4.S.Anandan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the 3rd respondent not to harass the petitioner under the guise of enquiry by appreciating the facts and circumstances of the case.



For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.S.Udaya Kumar

Government Advocate (Crl.Side)
for R1 to R3

ORDER

The petitioner herein, after making a complaint to the third respondent police, stating that he is being harassed by one Anandan based on a false complaint, is now before this Court seeking directions that their should not be any harassment by the Inspector of Police, Chrompet Police Station.

2. From the typed set of papers, this Court finds that there is a dispute regarding a piece of land between the petitioner and Anandhan. Earlier, the petitioner had given a complaint registered in Cr.No.112 of 2022 dated 13.05.2022 and FIR in Cr.No.21 of 2023 dated 20.01.2023. The present complaint filed by Anandhan is subsequent to the complaint of the petitioner. Based on the complaint petition, the petitioner was summoned to appear before the Inspector of Police, T2 Chrompet Police Station on 08.09.2023 at about 11.00 a.m, and was asked to produce



documents regarding the title and any Court proceedings. It appears that the petitioner herein has filed a civil suit before the learned District Munsiff Court, Pallavaram and the same is pending in OS.No.98 of 2023. This civil suit is for permanent injunction, whereas the criminal complaint is by one Anandhan, who relies on the report of Revenue Divisional Office, Tambaram, at present.

3. The contention of the petitioner is that the report of RDO, Tambaram is a manipulated document created behind his back.

4. These are matters which if found to be true during the course of investigation, will amount to forgery, cheating and other serious offence. For the said purpose, whether any cognizable offence is made out or not, the respondent police is bound to investigate, however it shall not be used as a tool to harass the parties to execute documents.

5. The learned Government Advocate (Crl.Side) submits that the petitioner was summoned to produce documents to find out, if any cognizable offence is made out on the complaint given by Anandhan. However, the petitioner did not produce the document but instead made



allegations against the Inspector of Police, Chrompet Police Station and also given a complaint to the Commissioner of Police on 19.09.2023.

6. In the light of the above fact, this Court directs the Commissioner of Police, Tambaram to change the investigation to some other police officer and investigate the matter. The petitioner shall appear before the investigating officer on receipt of summon and participate in the investigation. The investigating officer shall complete the investigation and file the final report based on the material collected during the course of the investigation.

7. With the above observation, this Criminal Original Petition is disposed of.

12.10.2023

Index : Yes/No

Neutral Citation : Yes/No

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To

1. The Commissioner of Police,
Tambaram, Chennai.
2. The Deputy Commissioner of Police,
Tambaram, Chennai.
3. The Inspector of Police,
T2 – Chrompet Police Station,
Chrompet, Chennai – 47.
4. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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