



WEB COPY

Crl.O.P.No.24206 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G. JAYACHANDRAN

Crl.O.P.No.24206 of 2023

1.Kuberan

2.Rajesh

... Petitioners

Vs.

State rep by

The Inspector of Police,

Team – II,

EDF – 1, Central Crime Branch,

O/o of the Police Commissioner office,

1st Floor, Room No.1,

Vepery, Chennai – 600 001

(Crime No.224 of 2023)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleaded to direct the respondent police not to harass the petitioners in crime pursuant to the notice dated 09.10.2023 in connection with Crime No.224 of 2023 on the file of the respondent police.

For Petitioners

: Mr.S.Kumaresan

For Respondent

: Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)



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ORDER

The petitioner herein have filed Criminal Original Petition not to harass him. The apprehension of the petitioner arise in this way a complaint been lodged for cheating in Crime No.224 of 2023 against certain persons is under investigation.

2. As far as the 1st petitioner Kuberan is concerned, he was summoned by the respondent police under Section 41 A Cr.P.C., to appear before the Investigating Officer on 12.10.2023. Likewise, for the 2nd petitioner, the police has caused notice under Section 160 Cr.P.C to appear before the respondent police on 13.10.2023 with all available documents. The petitioner submits that pursuant to the summon, they attended, but they were subjected to harassment.

3. However, the learned Government Advocate (Crl.Side) appearing for the respondent police submits that, thrice the summons were served on these petitioners, but they did not turn up for investigation. If they cooperate with the investigation, they may not any necessary even to call them again.



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4. From the tenure of summons issued to the 1st petitioner under Section 41 A and to the 2nd petitioner under Section 160 Cr.P.C., this Court does not find any sign of intension to harass the petitioner. The Investigating Officer had followed the procedure contemplated under the Code as well as the directions of the Hon'ble Supreme Court. It is the duty of the petitioners to cooperate with the investigation. It is a matter which pertains to cheating and breach of trust by Best Money Gold, Villupuram where these two petitioners claims that employees under the 1st accused. These two persons are crucial witnesses for prosecution and their presence and cooperation in the investigation is very much necessary, but unfound that they are subjected to harassment by the police. Hence this Criminal Original Petition deserves to be dismissed.

5. The petitioners are directed to appear before the Investigating Officer as per the summons. On their appearance, the Investigating Officer shall conduct the investigation in accordance with law and there shall not be any deviation in the procedure established under the Code.



Dr.G. JAYACHANDRAN, J.

rpl

WEB COPY 6. With the above directions, this Criminal Original Petition is disposed of.

20.10.2023

rpl

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1.The Inspector of Police,
Team – II, EDF – 1, Central Crime Branch,
O/o of the Police Commissioner office,
1st Floor, Room No.1,
Vepery, Chennai – 600 001

2.The Public Prosecutor,
Madras High Court,
Chennai.

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