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CrI.O.P.No.29174 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.29174 of 2022

M.Prabhakaran

... Petitioner

Vs.

The Inspector of Police,
Pallikonda Police Station,
Vellore District.
Crime No.283/2022.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent not to harass the petitioner and his family in view of the FIR pending against his brother in Cr.No.283/2022 on the file of the respondent Police.

For Petitioner : No Appearance

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioner and his family in view of the FIR pending against the petitioner's brother Pradeepkumar in Crime No.283 of 2022, on the file of the respondent Police.



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2.The petitioner is the brother of one Pradeepkumar, who is arrayed as A4 in Crime No.283 of 2023, on the file of the respondent Police Station. The said Pradeepkumar is residing at Bangalore and working in private industry for the past two years.

3.The averments in the petition is that on 07.11.2022, at about 03.30 a.m., the respondent Police went to the house of the petitioner, searched for his brother Pradeepkumar. Finding non-availability of Pradeepkumar, the respondent Police started to harass the petitioner, his mother and other inmates in the house. Further, the respondent Police forcibly took away the mobile phone of the petitioner and his mother and another mobile phone from the residence. Though the petitioner informed that they have nothing to do with Pradeepkumar's activities, the petitioner and his mother were often called to the respondent Police Station at odd hours and thereby caused harassment. Having no other option, the petitioner has filed the present petition.



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4.Learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner's brother Pradeepkumar/A4 along with four other accused committed the offence punishable under Sections 7(5) & 20(2) of the Cigarette and other Tobacco Products Act, 2003 and Section 328 IPC. He further submitted that the petitioner's brother Pradeepkumar was staying in Bangalore and actively involved in transportation of tobacco products from Bangalore to Tamil Nadu where the tobacco product is banned. The petitioner's brother is the active person who sourced the contraband. In Crime No.283 of 2022, A1, A2 & A5 were arrested, A3 & A4/petitioner's brother were absconding and evaded arrest successfully and finally, they got Anticipatory Bail. During investigation, the petitioner and his mother not cooperated with the respondent Police when they went to their home in search of Pradeepkumar. The petitioner to save his brother Pradeepkumar, filed the above petition as though he and his mother are harassed. He further submitted that on 20.12.2022, the mobile phone of the petitioner and his mother returned back to them and they gave confirmation letter, dated 20.12.2022, to that effect, a copy of the same is produced before this Court. Now, the petitioner's brother obtained



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Anticipatory Bail and he is complying with the condition before the respondent Police. Investigation is almost completed, once the forensic report is received, the charge sheet would be filed before the concerned Court. As of now, the petitioner's brother is no more required for investigation.

5.Considering the submissions and on perusal of the materials, it is seen that the only apprehension of the petitioner is that during the search for Pradeepkumar, the respondent Police came home, caused harassment and further forcibly taken away mobile phone of the petitioner, his mother and a relative. From the letter, dated 20.12.2022, it is seen that the mobile phone of the petitioner and his mother returned back to them and they have acknowledged the same.

6.During investigation, the petitioner's brother Pradeepkumar obtained Anticipatory Bail in Crime No.283 of 2022 and he complied the conditions regularly. Now, the respondent Police is no more require the petitioner or his family members. During investigation, visiting the house of the accused cannot be termed as harassment.



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7.In view of the above, this Court finds no harassment caused to the petitioner at the hands of the respondent Police. Hence, this Criminal Original Petition is dismissed.

19.06.2023

Index: Yes/No

Internet: Yes/No

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To

1.The Inspector of Police,
Pallikonda Police Station,
Vellore District.

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.
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