



Crl.O.P.(MD).No.5911 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

Crl.O.P(MD).No.5911 of 2023

Sh. Samkiruba

... Petitioner

Vs.

1.The Deputy Inspector General
Central Bureau of Investigation,
Special Crime – 1,
2nd Floor, 5-B, CGO Complex,
Lodhi Road,
New Delhi – 110 003.

2.The Inspector of Police / AIO, CBI,
Special Crime -1, New Delhi,
(Attached in Special Crime -II)
Camp Office,
Madurai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to issue a direction by forbearing the 2nd respondent from harassing the petitioner in the name of enquiry and also from compelling the petitioner to adduce false evidence as per his direction in connection with the First Information Report in Crime No. 1 of 2017 under Section 392 r/w. 397 IPC, 331, 168, 506(i & ii), 348, 468 IPC r/w. Section 5 of Antiquity and



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Art Treasures Act, 1972 Section 166-A (a), 166-A(b), 166-A(c) IPC r/w.

Section 166 IPC r/w. Section 27 of Arm Act, 1959 pending investigation
on the file of the 2nd respondent.

For Petitioner : C.M.Arumugam

For Respondent : Mr.N. Mohideen Basha
Special Public Prosecutor for CBI cases

ORDER

This Criminal Original Petition has been filed for issuing direction to forbear the 2nd respondent from harassing the petitioner in the name of the enquiry and also from compelling the petitioner to adduce false evidence as per his direction in connection with the First Information Report in Crime No. 1 of 2017 under Section 392 r/w. 397 IPC, 331, 168, 506(i & ii), 348, 468 IPC r/w. Section 5 of Antiquity and Art Treasures Act, 1972 Section 166-A (a), 166-A(b), 166-A(c) IPC r/w. Section 166 IPC r/w. Section 27 of Arm Act, 1959 pending investigation on the file of the 2nd respondent.

2. The petitioner is one of the witnesses in RC 14(S) / 2022-CBI/SC-II / New Delhi. After examination of the witness, now, the



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Investigating Officer in order to further examine the petitioner issued the summon under Section 160 Cr.P.C., on 13.03.2023.

3. It is a case of the petitioner that under the guise of enquiry the respondents police threatened the petitioner and hence, he filed a petition seeking protection from harassing on the file of the 2nd respondent police.

4. According to the learned Special Public Prosecutor Central Bureau of Investigation cases, the witness is called for some clarification and they are going to complete the investigation within the short span of time.

5. At this stage, this Court considering the rival submission and in the interest of both parties is inclined to dispose this petition with the following direction:

“The respondent police even still wants to enquire the petitioner, issue proper summons. On receipt of the summon, the petitioner is directed to



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appear before the respondent police with the assistance of Advocate.”

6. With the above Direction, this Criminal Original Petition is disposed of.

04.07.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
trp

To

- 1.The Deputy Inspector General
Central Bureau of Investigation,
Special Crime – 1,
2nd Floor, 5-B, CGO Complex,
Lodhi Road,
New Delhi – 110 003.
- 2.The Inspector of Police / AIO, CBI,
Special Crime -1, New Delhi,
(Attached in Special Crime -II)
Camp Office,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K. RAMAKRISHNAN. J.,

trp

Order made in
Crl.O.P(MD).No.5911 of 2023

Dated : 04.07.2023