



WEB COPY

Crl.O.P.(MD)No.17322 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.09.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.17322 of 2023

A.Abdul Nazeer

... Petitioner

Vs.

1.The Superintendent of Police,
Theni, Theni District.

2.The Inspector of Police,
District Crime Branch,
Theni, Theni District.

3.Umamaheshwari

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the Inspector of Police, District Crime Branch, Theni, Theni District, the second respondent herein, not to harass the petitioner without following due process of law under the garb of conducting inquiry in connection with Crime No.586 of 2021.

For Petitioner : Mr.S.Balaji

For R-1 & R-2 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

For R-3 : Mr.R.Karunanithi



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ORDER

This petition is filed under Section 482 of Cr.P.C. seeking for a direction to the respondent Police not to harass the petitioner without following due process of law in Crime No.586 of 2021 registered against the petitioner for the offence under Sections

2. It is submitted by learned counsel for the petitioner that on a complaint given by the *defacto* complainant, a case has been registered against the petitioner in Crime No.586 of 2021 for the offence under Sections 406, 420, 465, 468, 471, 409, 120B and 506(1) of I.P.C. It is submitted that the respondent Police under the guise of enquiry in the said crime has been harassing the petitioner and therefore, sought for suitable directions.

3.Mr.R.Karunanithi, Advocate, intervened on behalf of respondent No.3 has submitted that on the complaint of a *defacto* complainant, a case has been registered against the petitioner.

4. It is submitted by learned Government Advocate (Criminal Side) that a complaint against the petitioner is that he has sold the Government land to the private individuals by accepting the money



and enquiry is in progress. It is submitted further that the petitioner is called only for the purpose of enquiry.

5. In view of the submissions made by all the parties concerned and on perusal of records, since the petitioner is Accused No. 12 and the petitioner was called only for the investigation in Crime No. 586 of 2021, the petitioner cannot by way of these kinds of petitions preventing the Police from proceeding with the investigation. However, the respondent Police are required to proceed and conduct the investigation as per the procedure established under law.

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

27.09.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

tsg

To

1.The Superintendent of Police,
Theni, Theni District.

2.The Inspector of Police,
District Crime Branch,
Theni, Theni District.



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DR.D.NAGARJUN. J.

tsg

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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