



CrI.O.P.(MD) No.16930 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2023**

CORAM:

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

CrI.O.P.(MD)No.16930 of 2023

1.M.Sirajudeen

2.S.Shahnavvaz Khan

... Petitioners

Vs.

1.The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai City.

2.The Inspector of Police,
Thallakulam L&O Police Station,
Madurai City.

3.I.Ibramsha

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 2nd respondent not to harass the petitioners under the guise of enquiry.

For Petitioners
For R1and R2

:Mr.M.Sheik Abdullah
:Mr.S.S.Madhavan
Government Advocate (Criminal.Side)



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ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking for a direction to the respondent police not to harass the petitioner under the guise of enquiry.

2.It is submitted by the learned counsel for the petitioner that there are disputes between the petitioner and the respondent No.3 and the respondent No.3 has filed a complaint under 156(3) Cr.P.C., before the learned Magistrate and the same was numbered as Cr.M.P.No.4493 of 2023 and the respondent police were directed to conduct the enquiry and register the case, in case if any cognizable offence is taken place. It is also submitted that the respondent police without following the procedure have been harassing the petitioner and therefore, sought for suitable directions.

3.The learned Government Advocate (Crl.side) submits that as per the directions given by the learned Magistrate, the respondent police have initiated enquiry, for which the petitioner has approached this Court and filed an application for pre-arrest bail and in the said proceedings, this Court directed the



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respondent police to complete the enquiry within two weeks. When the enquiry is being proceeded with, the respondent No.3 has filed a complaint before the police stating that the petitioner has given threat, on which CSR.No.1154 of 2023 is registered.

4.Considering the submissions made by the learned counsel on either side and on perusal of the records, this Petition is disposed of directing the respondent police to strictly adhere to the directions of the trial Court in Cr.M.P.No.4493 of 2023 by following the directions issued in *Lalithakumari's* case and in case if the case is registered, the police shall follow the directions issued in *Arunesh Kumar's* case and shall not harass the petitioner except by following due process of law.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To

- 1.The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai City.
- 2.The Inspector of Police,
Thallakulam L&O Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

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