



CrI.O.P.(MD).No.23070 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD).No.23070 of 2023

P.Alagarsamy

... Petitioner

Vs.

**1.The Commissioner of Police,
Madurai City,
Madurai District.**

**2.The Inspector of Police,
Anna Nagar Police Station,
Madurai District.**

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the 2nd Respondent not to harass the Petitioner under the guise of enquiry.

For Petitioner : Mr.C.Muthu Saravanan

**For Respondents : Mr.R.M.Anbunithi
Addl.Public Prosecutor (CrI.side)**

ORDER

This Criminal Original Petition filed to direct the 2nd Respondent not to harass the Petitioner under the guise of enquiry.



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2. The facts in brief is that the petitioner is residing at Karumbalai, East Street, Madurai and working as an Auto Driver at Mattuthavani auto stand for the past these years. A case in Crime No.895 of 2014 was registered against him by the second respondent. After trial, he was acquitted by the trial court in S.C.No.54 of 2017. As on date, no case is pending against him. The second respondent initiated proceedings several times, against him under Section 110 Cr.P.C., simply for harassing him. He was called for enquiry unnecessarily and forced to wait at the police station for a long time, under the guise of enquiry. Eventhough representation was made by him, still the harassment continues. Hence this petition came to be filed.

3. Learned Additional Public Prosecutor would submit that as on date no complaint is pending against him. But however, he is a history sheeted person, having several cases.

4. Learned counsel for the petitioner would rely upon the order passed by the Coordinate Bench of this Court in Crl.O.P(MD)No.17113 of 2021 and he would submit that since no case has been registered



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against him, he should not be unnecessarily summoned.

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5. No doubt that without any complaint the respondent cannot summon the petitioner unnecessarily. If the petitioner wants his name to be removed from the history sheet, he can work out remedy through appropriate proceedings. In view of the above submission of the learned Additional Public Prosecutor that no enquiry is pending, I find no reason to entertain this petition.

6. Accordingly, this Criminal Original Petition is dismissed with liberty.

21.12.2023

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

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G.ILANGO VAN,J.

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To

- 1.The Commissioner of Police,
Madurai City,
Madurai District.
- 2.The Inspector of Police,
Anna Nagar Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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