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CrI.O.P.No.12627 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.12627 of 2024

Madhavan Perumalsami.

... Petitioner

/versus/

1. The Commissioner of Police,
O/o. The Commissioner of Police,
Greater Chennai,
EVR Periyar Salai, Vepery,
Chennai – 600 007.

2. State of Tamilnadu,
Rep. by the Inspector of Police,
Central Crime Branch – I,
Chennai.

... Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, directing the 2nd respondent viz., Inspector of Police, Central Crime Branch – I, Chennai not to harass the petitioner under the guise of investigation.

For Petitioner : Mr.S.Giritharan

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (CrI.Side)



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ORDER

On the complaint given by Sub Registrar, Periyamet, case has been registered under Section 419, 420, 465, 467, 468, 471, 109 and 120-B of I.P.C. The suspects in the case are one Selvaraj & Bharathiraja Manickam and impersonator, who had appeared before the SRO, Periyampet to register a settlement deed as if she is Padmasiniammal. One Thiru.Krishore Kumar and Periyamet Sub Registrar, who has facilitated registration of false document using an impersonator. In the course of investigation of this crime, the petitioner herein, by name Madhavan Perumalsami was sought to be interrogated since there is material to suspect his role also in the crime.

2. This petitioner when called for interrogation failed to attend the interrogation but has approached this Court seeking anticipatory bail and thereafter, the present petition not to harass.

3. The Learned Counsel for the petitioner has states that without issuing summons under Section 41-A of Cr.P.C., the petitioner was called to the Police Station. The petitioner has also states that he has no role in the offence and the police harassing him only to spoil his reputation and further, he gives an



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undertaking that, he is ready to co-operate with the investigation by reporting to the 2nd respondent regularly, if he is called for enquiry in accordance with law.

4. The Learned Government Advocate (Crl.Side) appearing for the respondents states that the investigation so far conducted reveals that the impersonation and forgery of documents including the death certificate of Padmasiniammal which is now been produced to show as if she was alive on the date of executing the disputed settlement deed, need to be probed for which the presence of the petitioner is required. If he appears for interrogation and co-operate with the investigation, the respondent police will conduct the investigation in accordance with law.

5. In the light of the above submissions and facts on record, this Court holds that the petitioner herein so far not arrayed as an accused and so far no summon under Section 41-A of Cr.P.C., issued to him. If the respondent police have any information regarding the involvement of the petitioner or knowledge about the crime under investigation, he can be summoned in accordance with law and on receipt of the summon, the petitioner shall co-operate with the investigation. It is made clear that the investigation shall be done in terms of the directions of the Hon'ble Supreme Court and High Court,



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there shall not be any harassment.

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6. Further, the Learned Government Advocate (CrI.Side) for the respondent states that summons under Section 41-A of Cr.P.C., will be issued to the petitioner herein for his appearance on 05.07.2024.

7. Recording the same, the Criminal Original Petition is disposed of directing the respondent police to issue summons under Section 41-A of Cr.P.C., for appearance of the petitioner on 05.07.2024. On such service of summon, the petitioner shall appear before the Investigating Officer on 05.07.2024.

27.06.2024

Index : Yes/No.

Neutral Citation : Yes/No.

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Copy to:-

1. The Commissioner of Police,
O/o. The Commissioner of Police,
Greater Chennai, EVR Periyar Salai, Vepery,
Chennai – 600 007.
2. The Inspector of Police,
Central Crime Branch – I, Chennai.
3. The Public Prosecutor, High Court, Madras.

Dr.G.JAYACHANDRAN, J.



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