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CrI.O.P.No.16638 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.16638 of 2024

Prabhu

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
Conventional Crime Team,
Central Crime Branch,
Avadi Commissionerate,
Avadi, Chennai-600 054.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to direct respondent not to harass the petitioner based on the complaint made by one Mr.Vijayakumar.

For Petitioner : Mr.A.Arun

For Respondent : Mr.S.Udayakumar
Government Advocate (CrI.Side)

ORDER

An article published in the investigative Magazine, one Vijayakumar has given a complaint to the police alleging that the article is defamatory. Pursuant to the said complaint, summon was issued under Sections 160 and 91 Cr.P.C., to the petitioner to appear and participate in the enquiry.



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2. The learned counsel appearing for the petitioner states that the said Vijayakumar alleging that the article disclosing the corrupt practice in the Municipal Administration has defamed him and therefore, caused lawyer notice to the petitioner and others, for which, the petitioner herein is intended to give suitable reply and face consequence, if he files any defamatory suit. Whereas, the very same complaint, the police has caused notice, for which, they have no jurisdiction. If at all, the said Vijayakumar is aggrieved, he can resort to a private complaint. He cannot get the help of police to intimidate in the free voice of the whistle blower.

3. This Court finds that the police has caused summons under Section 160 and 91 Cr.P.C., on the complaint, which is non cognizable offence. Hence this Criminal Original Petition seeking protection from harassment is allowed. The respondent police shall not arrest the petitioner herein in the guise of investigation for non cognizable offence.

16.07.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl



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To
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1.The Inspector of Police,
Conventional Crime Team,
Central Crime Branch,
Avadi Commissionerate,
Avadi, Chennai-600 054.

2.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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