



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.06.2015
CORAM

THE HON'BLE MR. JUSTICE M.M. SUNDRESH

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CRL.O.P. (MD) No.10621 of 2015

Sudha

.. Petitioner

.. Vs ..

1. Nagarajan

2. Selvam

3. The State. Rep. By
the Superintendant of Police,
Pudukkottai District,
Pudukkottai

4. State through,
the Deputy Superintendant of Police,
Karaiyur Police Station,
Karaiyur, Poonamaravathi,
Pudukkottai

.. Respondents

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to direct the respondents 3 and 4 to take custody of the respondents 1 and 2 by filing necessary application before the concerned Court.

For Petitioner : Mr. P. Ganapathi Subramanian

For Respondent-1 : Mrs.S.Prabha
Government Advocate(Crl. Side)

For 2nd Respondent : Mr. N. Ananthapadmanaban

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ORDER

The petitioner is the de facto complainant. It seems that there are number of earlier proceedings. The respondents 1 and 2 made several attempts to get anticipatory bail. Their attempts did not fructify. Thereafter, they surrendered. The bail applications are pending before the Judicial Magistrate Court. At this stage, the petitioner has come forward with this petition seeking a direction to the official respondents 3 and 4 to take them into police custody for the purpose of police interrogation.

2. The learned counsel for the petitioner submitted that recovery has not been made. Earlier at the time of hearing in the Anticipatory Bail Application, it has been made by the official respondents to the effect that the custodial interrogation is required. Therefore, the



respondents 1 and 2 are required for interrogation and hence, appropriate direction may be issued to the respondents 3 and 4.

3. The respondents 1 and 2 filed counter affidavit and submitted that the petitioner has been incarceration for some times viz., 15 days. The investigating agency has not filed application seeking Police custody. Therefore, the petitioner cannot claim the same as a matter of right, especially when the charge sheet has already been filed four years back.

4. Now, the case is pending in PRC.No.10 of 2014. As of now, the investigation stands over. It is seen that as if the respondents have not interrogated, the petitioner cannot try as a matter of right that the official respondents will have to take respondents 1 and 2 into police custody and make them to undergo custodial interrogation.

5. Accordingly, the petition stands dismissed, however, with liberty to the petitioner to file an application under Section 173(8) Cr.P.C., if so advised, in which case the Court below will have to decide the matter on merits.

Sd/-

Assistant Registrar(T & P)

\\True copy\\

Sub Assistant Registrar

To

1. The Superintendant of Police, Pudukkottai District, Pudukkottai
2. The Deputy Superintendant of Police, Karaiyur Police Station, Karaiyur, Poonamaravathi, Pudukkottai
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+1cc to Mr.N.Ananthapadmanaban Advocate Sr.No.31838

+1cc to Mr. P. Ganapathi Subramanian, Advocate SR.No.32604

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