



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2015

CORAM

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P. (MD) No.18695 of 2015

M.Vasantha

: Petitioner

Versus

1.The Superintendent of Police,
Tirunelveli District.
Tirunelveli.

2.The Inspector of Police,
All Women Police Station,
Sankarankovil,
Tirunelveli District.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the second respondent herein not to harass the petitioner.

For Petitioners : Mr.S.Sukumar

For Respondents : Mr.K.Anbarasan

Government Advocate (Crl. Side)

O R D E R

The Criminal Original Petition has been listed today, under the caption, "For Clarification", at the instance of the learned counsel appearing for the petitioner.

2. When the matter is taken up for hearing, Mr.S.Sukumar, learned counsel appearing for the petitioner has brought to the notice of this Court, the common order, dated 29.09.2015, in which the present Criminal Original Petition has been dismissed stating that there is no petition or FIR is pending as against the petitioner and that there is no such harassment on the part of the respondent police.

3. I have heard the learned counsel appearing on either side and perused the orders passed by this Court, dated 29.09.2015.

4. Perusal of the order, dated 29.09.2015 would reveal that it has been passed wrongly and therefore, the order passed in respect of this petition is recalled and the following order is being passed.



5. In view of the above factual position, this Court directs the second respondent not to harass the petitioner, under the guise of enquiry, but let the police investigate into the matter in accordance with law and the mandates as found set out in ***D.K.Basu Vs. State of West Bengal*** reported in ***AIR (1997) SC 610***. If really, the police want to interrogate, it is open for the police to issue summons to the petitioner. Thereupon, the petitioner shall appear before the police and submit himself for interrogation.

6. The Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar (Per. Admn)

/True copy/

Sub Assistant Registrar

MPK

To

1. The Superintendent of Police,
Tirunelveli District.
Tirunelveli.
2. The Inspector of Police,
All Women Police Station,
Sankarankovil,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Sumumar, Advocate Sr NO.57230

Order made in
Cr1.O.P. (MD) No.18695 of 2015

Dated: 16.10.2015

RG/SK/SKN/SAR-II

06.11.2015

2P:5C.