



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2015

CORAM

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.(MD)No.19733 of 2015

S.Soosaithasan : Petitioner

Versus

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

2.The Inspector of Police,
Thalaimuthu Police Station,
Tuticorin District

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the respondent police not to harass the petitioner in connection with Cr1.M.P.No.6211 of 2015 under the guise of enquiry by the Thalaimuthu Police Station, Tuticorin District, without adhering to the mandatory provisions of law contemplated u/s.41(A) of the Code of Criminal Procedure.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.P.Kannithevan,
Government Advocate (Cr1. Side)

O R D E R

Heard both sides.

2. The learned counsel for the petitioner would submit that the respondents are harassing the petitioner under the guise of enquiry and hence, the petitioner has come forward with this petition for the above stated relief.

3. The learned Government Advocate (Criminal side), on instructions, would submit that the petitioner is arrayed as accused in Crime No.610 of 2015, for the offences punishable under Sections 294(b) and 506(ii) of IPC.

4. Considering the rival submissions made on both sides, the respondents are directed 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.



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

Sd/-

Assistant Registrar (Crl.Side)

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/True Copy/

Sub Assistant Registrar

SML

To

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

2.The Inspector of Police,
Thalaimuthu Police Station,
Tuticorin District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.S.C.Herold Singh Advocate Sr.No.60734

GJM/AAL/MPA/30.10.15-2P-5C

Order made in
Crl.O.P. (MD) No.19733 of 2015
Dated:13.10.2015