



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2015

CORAM

THE HONOURABLE MS.JUSTICE R.MALA

Cr1.O.P. (MD)No.20735 of 2015

1.Kesari
2.Bala

: Petitioners

Versus

1.The Superintendent of Police,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Puliyankudi, Tirunelveli District.

3.The Inspector of Police,
Kadayanallur Police Station,
Tirunelveli District.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the respondents not to harass the petitioners in the guise of enquiry.

For Petitioners : Mr.S.J.Chakkaravarthy
For Respondents : Mr.P.Kannithevan,
Government Advocate (Cr1. Side)

O R D E R

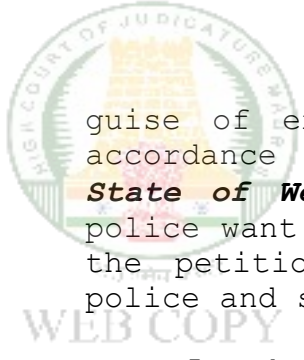
The learned counsel for the petitioners would submit that the respondents are harassing the petitioners under the guise of enquiry and hence, the petitioners have come forward with this petition for the above stated relief.

2. The learned Government Advocate (Criminal side), on instructions, would submit that based on the complaint given by the defacto complainant a case has been registered in Crime No.151 of 2015 as boy missing and the investigation is going on.

3. At this juncture, the learned counsel appearing for the petitioners would submit that the petitioners' daughter is also missing and to that effect a complaint has also been given before the respondents police. Adding further he would submit that in this regard two Habeas Corpus Petitions in HCP.No.788 of 2015 and 1135 of 2015 have been filed, which are pending.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Considering the rival submissions made on both sides, the respondent concerned is directed not to harass the petitioners 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 petitioners. Thereupon, the petitioners shall appear before the police and submit themselves for interrogation.

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

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar.

MPK

To

1.The Superintendent of Police, Tirunelveli District.

2.The Deputy Superintendent of Police, Puliyanakudi, Tirunelveli District.

3.The Inspector of Police, Kadayanallur Police Station,
Tirunelveli District.

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

+one cc to Mr.S.J.Chakkaravarthy, Advocate in SR.NO.63369

Order made in
Crl.O.P. (MD) No.20735 of 2015
Dated:29.10.2015

CSL/SKS-RR/05.11.2015
2P/6C