



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Cr1.O.P.(MD)No.21343 of 2015

M.Ramakrishnan

... Petitioner

Vs,

1.The Superintendent of Police,
O/o Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.

... Respondents

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent No.2 not to harass the petitioner and his family members without any legally sustainable complaint and to direct the respondent No.2 to follow the guideline issued by the Hon'ble Supreme Court in D.K.Basu (1997 1 SCC 416) case in matters pertaining to arrest or interrogation.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.P.Balasubramani

Govt.Advocate (Cr1.Side).

ORDER

The petitioner has come forward with this application, seeking for a direction to the respondent No.2 not to harass the petitioner and his family members without any legally sustainable complaint and to direct the respondent No.2 to follow the guideline issued by the Hon'ble Supreme Court in D.K.Basu (1997 1 SCC 416) case in matters pertaining to arrest or interrogation.

2. I have heard the learned counsel appearing on either side and perused the materials available on record.

3. The learned Government Advocate (Cr1.side), on instruction, would submit that there is a complaint against the petitioner by the defacto complainant, for which the petitioner has been called for enquiry and there is no such harassment against the petitioner and his family members and if any interrogation is needed by the respondent against the petitioner and his family members, the norms which are mentioned in the Judgement of Hon'ble Apex Court in



D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610, would be followed in case of interrogation or any further investigation. He would further submit that there will not be any harassment against the petitioner and his family members and the enquiry or interrogation would be done in accordance with law.

4. Considering the submissions made on both sides, the respondent police is entitled to investigate the matter by interrogating the petitioner and his family members in a proper manner. According to the submissions made by the learned Government Advocate (Crl.side), there was no harassment done by the police to the petitioner and his family members. He would also state that there will not be any harassment in future also.

5. Recording the statement of the learned Government Advocate (Crl.side) that the respondent police will not harass the petitioner and his family members in future under the guise of any enquiry, the criminal original Petition is closed. The petitioner cannot use this order to evade the enquiry that is going to be conducted and if any interrogation is needed from the police with regard to any enquiry, it is the duty cast upon the petitioner and his family members to participate and co-operate for the enquiry.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
O/o Superintendent of Police, Ramanathapuram District.
- 2.The Inspector of Police,
Chatrakudi Police Station, Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.65507

akm/20.11.15 /2p-5c/