



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.11.2015
CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

CRL.OP. (MD)No.21530 of 2015

Mrs.M.Malathi : Petitioner

Vs.

1.The Superintendent of Police,
O/o.the Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the 2nd respondent not to harass the petitioner and her husband.

For Petitioner : Mr.R.Rajesh Kumar
For Respondents : Mr.A.P.Balasubramani
Government Advocate(Crl. Side)

ORDER

The petitioner has come forward with this petition seeking for a direction, directing the 2nd respondent not to harass the petitioner and her husband.

2. Mr.R.Rajesh Kumar, learned counsel appearing for the petitioner would submit that the respondent police is harassing the petitioner for no fault of her, particularly, during mid-night. He would further submit that the petitioner and her husband are willing to participate in the enquiry and appear before the police, as and when required, based on summons. Therefore, the learned counsel prayed for the relief as stated supra.

3. Mr.A.P.Balasubramani, learned Government Advocate (crl.side) appearing for the respondents, on instructions, would submit that earlier, the petitioner's husband is a history-sheeted rowdy and he was arrested under Act 14 and latter he has been released pursuant to the order of this Court made in a Habeas Corpus Petition. There is no harassment at all against the



petitioner. The petitioner, only in order to evade the enquiry / investigation against her husband has come forward with the present petition, for the relief stated supra. However, he submitted that the petitioner's husband has been called for enquiry and there is no such harassment against the petitioner and if any interrogation is needed by the respondents against the petitioner or her husband, 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 her husband and the enquiry or interrogation would be done in accordance with law.

4. I have heard the learned counsel appearing on either side.

5. Recording the statement of the learned Government Advocate (Crl.side) that the respondent police will not harass the petitioner and her husband in future under the guise of any enquiry, the criminal original Petition is disposed of. However, 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 her husband 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.the Superintendent of Police,
Tirunelveli District.
- 2.The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

AA/NGM-SS/AR-I/30.11.2015/2p-4c

Order made in
CRL.OP. (MD) No.21530 of 2015
Dated:-16.11.2015