



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

CRL.OP.(MD)No.21539 of 2015

Rajiva

: Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District

2.The Inspector of Police,
All Women Police Station,
Thoothukudi District

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the respondent No.1 to instruct the special branch police officials for not to harass the petitioner and his family members by considering the representation submitted by the petitioner, dated 25.10.2015.

For Petitioner :Mr.R.Alagumani

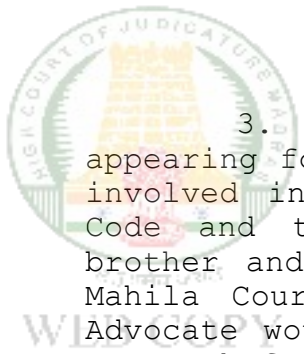
For Respondents :Mr.A.P.Balasubramani

Government Advocate(Crl. Side)

O R D E R

The petitioner has come forward with this petition seeking for a direction, directing the 1st respondent to instruct the special branch police officials for not to harass the petitioner and his family members by considering the representation submitted by the petitioner, dated 25.10.2015.

2. Mr.R.Alagumani, learned counsel appearing for the petitioner would submit that the petitioner is being harassed by the respondent police for no fault of him. He would further submit that the petitioner has not at all involved in any offence much less the one said to have been committed by his brother. Adding further, the learned counsel for the petitioner submitted that the petitioner is willing to co-operate with the enquiry / investigation, once the summons issued to him by the police. Continuing his argument the learned counsel would submit that, when the petitioner's family and his brother's family are living separately, it is not fair on the part of the respondent police to harass the petitioner, under the guise of enquiry to know the whereabouts of the petitioner's brother. Therefore, the learned counsel prays for the relief as stated supra.



3. Mr.A.P.Balasubramani, learned Government Advocate (crl.side) appearing for the respondents submitted that the petitioner's brother has involved in a serious offence under various provision of Indian Penal Code and therefore, a has been registered against the petitioner's brother and the same was numbered as S.C.No.4 of 2015, on the file of Mahila Court, Thoothukudi. Continuing further the learned Government Advocate would submit that, since the brother of the petitioner did not appear before the said Court, an NBW has been issued on 07.07.2015 and in order to trace the petitioner's brother to produce before the Mahila Court, the petitioner was being enquired by the police and in fact, there is no harassment at all, as contended by the petitioner. He would further submit that, if any interrogation is needed by the respondents against the petitioner or his brother, 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 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 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 to participate and co-operate for the enquiry.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar.

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District

2.The Inspector of Police,
All Women Police Station,
Thoothukudi District

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

+1CC to Mr.Alagumani, Advocate, SR.No. 65849.

Order made in
CRL.OP. (MD) No.21539 of 2015

Dated:-
16.11.2015