



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2015

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Cr1.O.P(MD)Nos.22552, 22565, 22585, 22608,
22609, 22612 and 22628 of 2015

Cr1.O.P(MD)No.22552 of 2015:

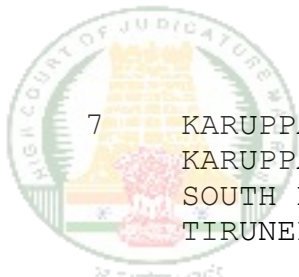
M.S.KAMAL BADHUSHA
S/O. MOHAMED SHERIF,
PANAICKULAM EAST STREET,
RAMANATHAPURAM TALUK,
RAMANATHAPURAM DISTRICT.

... PETITIONER
in CRL OP(MD) No.22552 of 2015

K.G.GOPALSAMY, S/O. GOPALSAMY
DOOR NO.2/1580, VELAMMAL NAGAR,
VEMBAKOTTAI ROAD, SITHURAJAPURAM,
SIVAKASI TALUK, VIRUDHUNAGAR DISTRICT.

... PETITIONER
in CRL OP(MD) No.22565 of 2015

- 1 THANGIAH, S/O. VELPANICKAR,
KARUPPASAMY KOVIL STREET,
SOUTH KADAYAM VILLAGE, AMBASAMUDRAM TALUK,
TIRUNELVELI DISTRICT.
- 2 VELAYA, S/O. VELLAYYAN,
KARUPPASAMY KOVIL STREET,
SOUTH KADAYAM VILLAGE, AMBASAMUDRAM TALUK,
TIRUNELVELI DISTRICT.
- 3 NARAYANAN, S/O. PITCHAI,
KARUPPASAMY KOVIL STREET,
SOUTH KADAYAM VILLAGE, AMBASAMUDRAM TALUK,
TIRUNELVELI DISTRICT.
- 4 PARAMASIVAM, S/O. SOLLAMUTHU,
KARUPPASAMY KOVIL STREET,
SOUTH KADAYAM VILLAGE, AMBASAMUDRAM TALUK,
TIRUNELVELI DISTRICT.
- 5 JEGANNATHAN, S/O. POOVAN,
KARUPPASAMY KOVIL STREET,
SOUTH KADAYAM VILLAGE, AMBASAMUDRAM TALUK,
TIRUNELVELI DISTRICT.
- 6 SUBBAIAH, S/O. SOLLAMUTHU
KARUPPASAMY KOVIL STREET,
SOUTH KADAYAM VILLAGE, AMBASAMUDRAM TALUK,
TIRUNELVELI DISTRICT.



7 KARUPPASAMY, S/O. VELU
KARUPPASAMY KOVIL STREET,
SOUTH KADAYAM VILLAGE, AMBASAMUDRAM TALUK,
TIRUNELVELI DISTRICT.

8 KASAMUTHU, S/O. ISSAKKI
KARUPPASAMY KOVIL STREET,
SOUTH KADAYAM VILLAGE, AMBASAMUDRAM TALUK,
TIRUNELVELI DISTRICT.

9 RAJENDRAN, S/O. PANDARAM
KARUPPASAMY KOVIL STREET,
SOUTH KADAYAM VILLAGE, AMBASAMUDRAM TALUK
TIRUNELVELI DISTRICT.

... PETITIONERS
in CRL OP(MD) No.22585 of 2015

NAGARAJAN, S/O PANDIYAN
VADAKKU THERU, VADIPATTI,
ERUMAINAYAKKANPATTI POST, PERIYAKULAM TALUK,
THENI DISTRICT.

... PETITIONER
in CRL OP(MD) No.22608 of 2015

POORANA SELVI, W/O. MANI
MARKET STREET, SRIVAUKUNDRAM,
TURICORIN DISTRICT.

... PETITIONER
in CRL OP(MD) No.22609 of 2015

JEGATHEESAN, S/O BALA SUNDARAM
NO. 2-11 94-3 PASUPATHI NAGAR 1ST STREET,
KANNANENTHAL, MADURAI 14

... PETITIONER
in CRL OP(MD) No.22612 of 2015

NALLA IBRAHIM, S/O MOHAMMED HANIFFA
7/63 O.J.M. STREET, KEELAKARAI,
RAMANATHAPURAM DISTRICT.

... PETITIONER
in CRL OP(MD) No.22628 of 2015

-VS-

1 STATE REP. BY
THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

2 ZEENATH, W/O. HABIBUR RAHUMAN,
PANAikulam EAST STREET, RAMANATHAPURAM TALUK,
RAMANATHAPURAM DISTRICT.

... RESPONDENTS
in CRL OP(MD) No.22552 of 2015

1 THE SUPERINTENDENT OF POLICE
VIRUDHUNAGAR DISTRICT, VIRUDHUNAGAR.

2 THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

... RESPONDENTS
in CRL OP(MD) No.22565 of 2015



1 THE SUB COLLECTOR CUM SUB
DIVISIONAL MAGISTRATE, CHERANMAHADEVI,
TIRUNELVELI DISTRICT.

2 THE SUPERINTENDENT OF POLICE,
TIRUNELVELI DISTRICT, TIRUNELVELI.

3 THE SUB INSPECTOR OF POLICE,
KADAYAM POLICE STATION,
TIRUNELVELI DISTRICT.

... RESPONDENTS
in CRL OP(MD) No.22585 of 2015

1 THE SUPERINTENDENT OF POLICE,
THENI DISTRICT, THENI.

2 THE INSPECTOR OF POLICE
DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.

... RESPONDENTS
in CRL OP(MD) No.22608 of 2015

1 THE SUPERINTENDENT OF POLICE,
TUTICORIN DISTRICT, TUTICORIN.

2 THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION, SRIVAIKUNDAM,
TUTICORIN DISTRICT.

... RESPONDENTS
in CRL OP(MD) No.22609 of 2015

1 THE COMMISSIONER OF POLICE,
MADURAI CITY, MADURAI.

2 THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION, MADURAI.

... RESPONDENTS
in CRL OP(MD) No.22612 of 2015

1 THE SUPERINTENDENT OF POLICE,
OFFICE OF SUPERINTENDENT OF POLICE,
RAMANATHAPURAM DISTRICT.

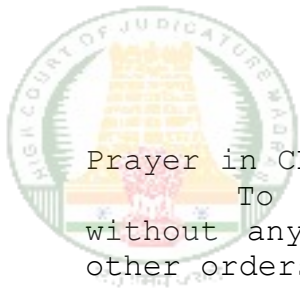
2 THE DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF DEPUTY SUPERINTENDENT OF POLICE,
KEELAKARAI, RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
KEELAKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

... RESPONDENTS
in CRL OP(MD) No.22628 of 2015

Prayer in CRL OP(MD) No.22552 of 2015:

Criminal Original Petition is filed under Section 482 of Cr.P.C.,
praying to direct the 1st respondent NOT TO HARASS the petitioner under
guise an enquiry on the complaint from the 2nd respondent in the interest
of justice.



Prayer in CRL OP(MD) No.22565 of 2015:

To direct Both the respondents do not to harass the Petitioner without any basis under the guise of enquiry and pass such further or other orders as this Honourable Court.

Prayer in CRL OP(MD) No.22585 of 2015:

To direct the 3rd respondent herein not to harass the petitioners in connection with the administration of the temple more fully of Karupasamy, Muppidathiamman, and Essakki amman temple situated at South Kadayam Village, Ambasamudram Taluk, Tirunelveli District.

Prayer in CRL OP(MD) No.22608 of 2015:

To direct the 2nd respondent not to harass the petitioner and pass such further or other orders.

Prayer in CRL OP(MD) No.22609 of 2015:

To direct the 2nd Respondent that not to harass the Petitioner in the guise of enquiry based on the complaint given by one Lakshmi, W/O. Madasamy and pass such further or other orders as this Honourable Court.

Prayer in CRL OP(MD) No.22612 of 2015:

To direct the respondents not to harass the petitioner in the name of enquiry based on the complaint given by said one Mr. Durai Rajendran and pass such further or other orders.

Prayer in CRL OP(MD) No.22628 of 2015:

To direct the 1st respondent to direct the 2nd respondent not to harass the petitioner under the guise of enquiry and pass such further or other orders.

Counsel for Petitioner	: Mr.Ravichandran Ramavanni (in Crl.OP.(MD)No.22552/15 : M/S.S.J.Chakkaravarthy (in Crl.OP.(MD)No.22565/15 : M/S M.Seeni sulthan (in Crl.OP.(MD)No.22585/15 : M/S.C.Bethanasamy (in Crl.OP.(MD)No.22608/15 : M/S S.R.DURAI RAJ (in Crl.OP.(MD)No.22609/15 : M/S N.Sathish babu (in Crl.OP.(MD)No.22612/15 : M/S R.Senthil kumar (in Crl.OP.(MD)No.22628/15
For Official Respondents in all Crl.OPs	: Mr.A.P.Balasubramani Government Advocate (Crl.sdie)



COMMON ORDER

The petitioners have come forward with these petitions seeking for a direction, directing the respondents and their subordinates not to harass the petitioners under the guise of enquiry and to follow the due process of law.

2.The learned Government Advocate (Criminal side), on instructions, would submit that petition enquiry is pending. He would further submit that there is no such harassment, as contended by the petitioners.

3. I have heard the counsel appearing on either side.

4.Considering the rival submissions made on both sides, the respondents are 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. If there is any civil suit pending between the parties, the police shall not interfere with the same.

5.The Criminal Original Petitions are disposed of with the above direction.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
2. The Superintendent of Police,
Virudhunagar District, Virudhunagar.
3. The Inspector of Pollice,
Sivakasi East Police Station,
Virudhunagar District.
4. The Sub Collector Cum Sub Divisional Magistrate,
Cheranmahadevi, Tirunelveli District.
5. The Superintendent of Police,
Tirunelveli District, Tirunelveli.



6. The Sub Inspector of Police,
Kadayam Police Station,
Tirunelveli District.

7. The Superintendent of Police, Theni District, Theni.

8. The Inspector of Police,
Devathanapatti Police Station, Theni District.

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

10 The Inspector of Police,
Srivaikundam Police Station,
Srivaikundam, Tuticorin District.

11 The Commissioner of Police,
Madurai City, Madurai.

12 The Inspector of Police,
K.Pudur Police Station, Madurai.

13 The Superintendent of Police,
Office of Superintendent of Police,
Ramanathapuram District.

14 The Deputy Superintendent of Police,
Office of Superintendent of Police,
Keelakarai, Ramanathapuram District.

15 The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.

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

+ 1 CC TO MR.R.SENTHILKUMAR, ADVOCATE IN SR NO. 68421/15
+ 1 CC TO MR.N.SATHISH BABU, ADVOCATE IN SR NO. 68123/15
+ 1 CC TO MR.M.S.JEYAKARTHIK, ADVOCATE IN SR NO. 68561/15
+ 1 CC TO MR.C.BETHANASAMY, ADVOCATE IN SR NO. 68288/15
+ 1 CC TO MR.M.SEENISULTHAN, ADVOCATE IN SR NO. 68601/15
+ 1 CC TO MR.C.MUTHU SARAVANAN, ADVOCATE IN SR NO. 68300/15
+ 1 CC TO MR.S.J.CHAKKARAVARTHY, ADVOCATE IN SR NO. 68841/15

MPK

TE/SKS-RR/ 07/12/2015 : 6P/24C

COMMON ORDER MADE IN
Crl.O.P (MD) Nos.22552, 22565, 22585, 22608,
22609, 22612 and 22628 of 2015
30.11.2015