



BEFORE MADURAI BENCH OF MADRAS HIGH COURT

DATED 12.01.2015

WEB COPY

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THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.O.P. (MD)No.23584 of 2014

Santhana Pandi

.. Petitioner

Vs.

1.State through  
The Superintendent of Police,  
Virudhunagar District.

2.State through  
The Inspector of Police  
Tiruchuli,  
Virudhunagar District.

.. Respondents

**PRAYER:** Criminal Original Petition is filed under section 482 of Criminal Procedure Code praying for a direction to the second respondent not to harass the petitioner in Crime No.126 of 2014 on the file of the second respondent.

For Petitioner : Mr.G.Mariappan

For Respondents : Mr.K.V.Rajarajan, GA (Crl.Side)

**ORDER**

This petition has been filed under Section 482 Cr.P.C, seeking a direction to the second respondent not to harass the petitioner in Crime No.126 of 2014 on the file of the second respondent.

2.The learned counsel for the petitioner informs that the case in Crime No.126 of 2014 stands registered under Section 110 Cr.P.C and on the basis thereof the petitioner is being harassed.

3. No case can be registered under Section 110 Cr.P.C. Such Section provides for action by the Executive Magistrate against persons, against whose wrongful conduct it is necessary to take certain safeguards. If it is the intent of the respondent police to initiate proceedings under Section 110 Cr.P.C, it is for them to make out a case before the concerned Executive Magistrate who necessarily would have to act upon consideration of the merits of the case and in accordance with law.



4. With the above observation, this petition shall stand closed. It is made clear that the respondents cannot harass the petitioner on the basis of the case which stands registered in the manner informed above. However, it would be open to the respondents to move the Executive Magistrate for appropriate directions.

Sd/-

Assistant Registrar(T & P)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police, Virudhunagar District.
2. The Inspector of Police, Tiruchuli, Virudhunagar District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.G.Mariappan, Advocate Sr.No.1723  
ses

AA/29.01.2015/2p- 5c/

CrI.O.P.No.23584 of 2014  
12.01.2015