



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2015

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**
Cr1.O.P(MD)Nos.24117, 24132, 24133, 24155
24165 and 24197 of 2015

1 S.A. ELAYARAJA
2 J. JOHNSON KUMAR ...PETITIONERS in CRL OP(MD)No.24117 of 2015

M. SAVARIVEL ...PETITIONER in CRL OP(MD) No.24132 of 2015

SIVA SUBRAMANIAMPILLAI...PETITIONER in CRL OP(MD)No.24133 of 2015

K.SANKAR ...PETITIONER in CRL OP(MD) No.24155 of 2015

1 MUTHUSAMY
2 SHANTHI ...PETITIONERS in CRL OP(MD)No.24165 of 2015

MURUGANANTHAM ...PETITIONER in CRL OP(MD) No.24197 of 2015

-VS-

1 THE INSPECTOR OF POLICE,
ANTI-LAND GRABBING SPECIAL CELL, D.P.O. ,
TIRUCHIRAPPALLI

2 N. SATHYAMOORTHY
... RESPONDENTS in CRL OP(MD) No.24117 of 2015

1 THE SUPERINTENDENT OF POLICE,
TUTICORIN DISTRICT, TUTICORIN.

2 THE INSPECTOR OF POLICE,
EAST POLICE STATION, KOVILPATTI,
TUTICORIN DISTRICT.
... RESPONDENTS in CRL OP(MD) No.24132 of 2015

1 THE INSPECTOR GENERAL OF POLICE,
CENTRAL ZONE, TIRUCHIRAPPALLI DISTRICT.

2 THE SUPERINTENDENT OF POLICE,
TIRUCHIRAPPALLI DISTRICT.

3 THE INSPECTOR OF POLICE,
TIRUCHIRAPPALLI DISTRICT.
... RESPONDENTS in CRL OP(MD) No.24133 of 2015

4 RAJALAKSHMI ... RESPONDENTS in CRL OP(MD) No.24133 of 2015



1 THE COMMISSIONER OF POLICE,
MADURAI CITY

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

... RESPONDENTS in CRL OP(MD) No.24155 of 2015

1 THE SUPERINTENDENT OF POLICE,
THANJAVUR DISTRICT, THANJAVUR.

2 THE INSPECTOR OF POLICE,
PATTUKKOTTAI TOWN POLICE STATION,
PATTUKOTTAI, THANJAVUR DISTRICT.

... RESPONDENTS in CRL OP(MD) No.24165 of 2015

1 THE SUPERINTENDENT OF POLICE,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE,
GANESH NAGAR POLICE STATION,
PUDUKKOTTAI DISTRICT.

... RESPONDENTS in CRL OP(MD) No.24197 of 2015

Prayer in CRL OP(MD) No.24117 of 2015:

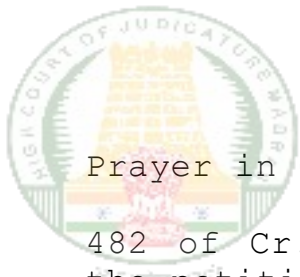
Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the respondent police not to interfere with the civil dispute and consequently not to harass the petitioners by summoning them for enquiry and pass such further or other orders.

Prayer in CRL OP(MD) No.24132 of 2015:

Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the 2nd respondent not to harass the petitioner under the guise of the conducting petition enquiry in connection with the complaint made by the opposite parties and pass such further other orders as this Honourable Court.

Prayer in CRL OP(MD) No.24133 of 2015:

Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to issue direction to the second and third respondents not to harass the petitioner and consequently directing them not to interfere with the civil disputes between the parties except by due process law and pass such other orders as this Honourable Court.



Prayer in CRL OP(MD) No.24155 of 2015:

Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the respondents not to harass the petitioner and his family members to settle a huge sum towards interest the instance of one D.Tamilselvi w/o. Dharmaraj.

Prayer in CRL OP(MD) No.24165 of 2015:

Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the Inspector of Police, Pattukkottai Town Police Station, Thanjavur District the 2nd Respondent herein not to harass the Petitioners and their family members under the guise of enquiry without due process of law of the basis of the Petitioners representation dated 02.12.2015.

Prayer in CRL OP(MD) No.24197 of 2015:

Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the Respondents No. 2 and 3 not to harass the Petitioner in the name of enquiry and to direct the Respondent No. 2 to follow guidelines issued by the Honourable Supreme Court in D.K. Basu's case in matters pertaining to arrest or interrogation and pass such further or other orders as this Honourable Court.

Counsel for Petitioner:

- : M/S J.MARIA ROSELINE in CRL OP(MD)No.24117 of 2015
- : M/S V.A. SAMAYAVASU in CRL OP(MD)No.24132 of 2015
- : M/S D.SHANMUGARAJA SETHUPATHI in CRL OP(MD)No.24133 of 2015
- : M/S A.K.MANICKAM in CRL OP(MD) No.24155 of 2015
- : M/S S.DEENADHAYALAN in CRL OP(MD) No.24165 of 2015
- : M/S R.VENKATESAN in CRL OP(MD) No.24197 of 2015

For Respondent:

: MR.A.P.BALASUBRAMANI Government Advocate(Crl.Side)
in all Crl.OPs

C O M M O N O R D E R

The petitioners have come forward with these petitions seeking for a direction, directing the respondents and their family members 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 the 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(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1 THE INSPECTOR OF POLICE,
ANTI-LAND GRABBING SPECIAL CELL, D.P.O. ,
TIRUCHIRAPPALLI
- 2 THE SUPERINTENDENT OF POLICE,
TUTICORIN DISTRICT, TUTICORIN.
- 3 THE INSPECTOR OF POLICE,
EAST POLICE STATION, KOVILPATTI,
TUTICORIN DISTRICT.
- 4 THE INSPECTOR GENERAL OF POLICE,
CENTRAL ZONE, TIRUCHIRAPPALLI DISTRICT.
- 5 THE SUPERINTENDENT OF POLICE,
TIRUCHIRAPPALLI DISTRICT.
- 6 THE INSPECTOR OF POLICE,
MUSIRI TALUK, TIRUCHIRAPPALLI DISTRICT.



- 7 THE COMMISSIONER OF POLICE,
MADURAI CITY
- 8 THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION, MADURAI CITY
- 9 THE SUPERINTENDENT OF POLICE,
THANJAVUR DISTRICT, THANJAVUR.
- 10 THE INSPECTOR OF POLICE,
PATTUKKOTTAI TOWN POLICE STATION,
PATTUKOTTAI, THANJAVUR DISTRICT.
- 11 THE SUPERINTENDENT OF POLICE,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.
- 12 THE DEPUTY SUPERINTENDENT OF POLICE,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.
- 13 THE INSPECTOR OF POLICE,
GANESH NAGAR POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 14 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to Mr.R.Venkatesan, Advocate Sr.No.75712
+1cc to Mr.S.Deenadhayalan, Advocate Sr.No.75594
+1cc to Mr.A.K.Manickam, Advocate Sr.No.75588
+1cc to Mr.J.Maria Roseline, Advocate Sr.No. 75797
+1cc to Mr.V.A.Samayavasu, Advocate Sr.No.76015
+1cc to Mr.D.Shunmugaraja Sethupathi, Advocate Sr.No. 15506

mpk

AA/JGB-DP/04.01.2016/5p-21c

COMMON ORDER MADE IN
Crl.O.P (MD) Nos.24117, 24132, 24133, 24155
24165 and 24197 of 2015

18.12.2015