

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2016

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P. No. 10719 of 2016

M.Thenmozhi alias Sweetlin

... Petitioner

Vs.

1. State Rep. by
The Superintendent of Police
Kancheepuram District
Kancheepuram.

2. The Inspector of Police
Kancheepuram Taluk Police Station,
Kancheepuram.

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents not to harass the petitioner under the guise of an investigation in respect of the case of Woman Missing in Crime No. 333 of 2016 on the file of the Inspector of Police, Kancheepuram Taluk Police Station, Kancheepuram.

For Petitioner : Mr.K.Premkumar

For Respondents: Mr.M.Maharaja
Additional Public Prosecutor

ORDER

This petition has been filed by the petitioner seeking for a direction directing the respondents not to harass the petitioner under the guise of an investigation in respect of the case of Woman Missing in Crime No. 333 of 2016 on the file of the Inspector of Police, Kancheepuram Taluk Police Station, Kancheepuram.

2. The learned counsel appearing for the petitioner would submit that the petitioner was working as Staff Nurse at Government Hospital, Chrompet, Chennai and she converted into Christianity and now she is residing at Pentecostal Mission, Perungalathur, Chennai. It is further submitted that the mother of the complainant has given a complaint as if the petitioner is

missing and based on the complaint, the second respondent police has obtained a statement from the petitioner and in that statement, she stated that she is living in Perungalathur, Chennai, on her own. Despite the same, the respondent police harassing the petitioner.

3. The learned Additional Public Prosecutor, per contra, would submit that on the basis of the complaint given by the petitioner's mother, the statement was obtained from the petitioner and there will not be any further enquiry or harassment by the respondent police.

4. The said statement made by the learned Additional Public Prosecutor is recorded.

5. In my considered view, no one can be harassed under the guise of investigation or enquiry by the police, which does not require any direction from this Court. As a matter of fact, the Hon'ble Supreme Court in D.K.Basu vs. State of West Bengal reported in AIR 1997 SC 610 has issued certain directions as to how the accused should be treated by the police, while he is in custody and while he is interrogated during investigation or enquiry.

6. Whatever might be the circumstances, there shall be no harassment to the petitioner, 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 petitioner. Thereupon, the petitioner shall appear before the police and submit herself for interrogation. The petitioner is also permitted to take the assistance of the Advocate to the limited extent as found envisaged in the precedent cited supra.

7. With this direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(V)

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Sub Assistant Registrar

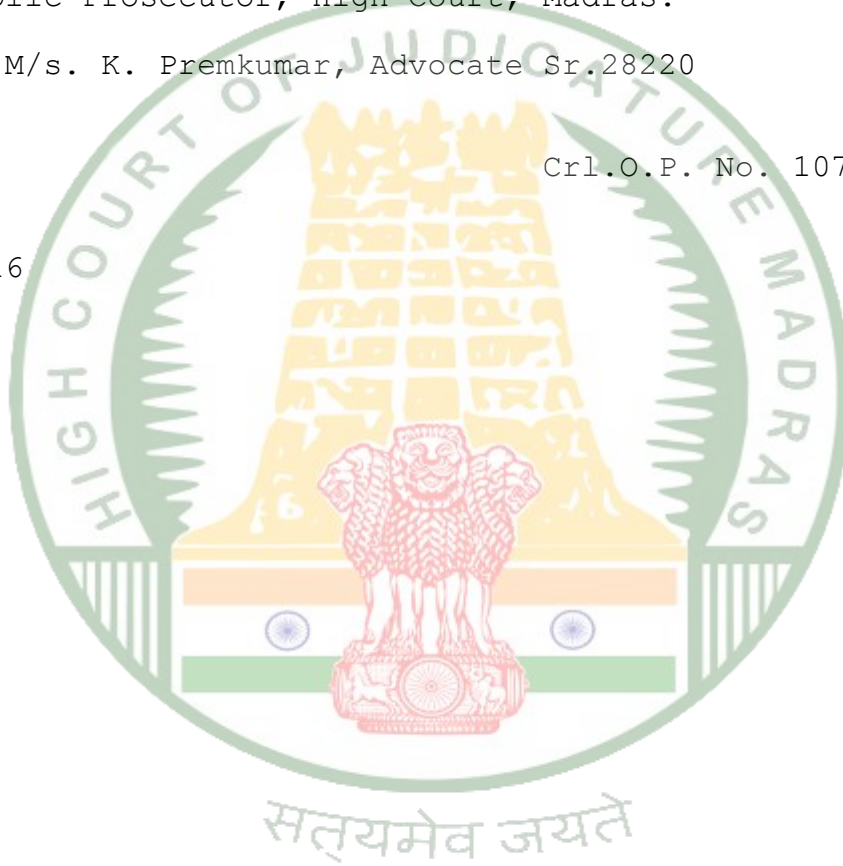
vsg/sri

TO

1. The Superintendent of Police
Kancheepuram District
Kancheepuram.
 2. The Inspector of Police
Kancheepuram Taluk Police Station,
Kancheepuram.
 3. The Public Prosecutor, High Court, Madras.
- + 1 cc to M/s. K. Premkumar, Advocate Sr.28220

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