

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

W.P.No.25168 of 2016

G.Sekar

...Petitioner

Vs.

- 1.The Director General of Police,
Mylapore, Chennai - 600 004.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Veppery, Chennai.
3. The Joint Commissioner of Police,
St. Thomas Mount, Chennai - 600 016.
4. The Deputy Commissioner of Police,
St. Thomas Mount, Chennai - 600 016.
5. The Assistant Commissioner of Police,
Selaiyur Range, Selaiyur, Chennai.
6. The Inspector of Police,
Peerankaranai Police Station, Chennai.
7. Suresh.
The Sub-Inspector of Police,
Peerankaranai Police Station, Chennai.
8. Rajee,
Peerankaranai Police Station,
Chennai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 6 to 8 from disturbing the petitioner and his family members peaceful life and liberty as guaranteed under the Constitutional law of India except in accordance with law.

For Petitioner : Mr.M.Ravikumar
For Respondents : Mr.C. Emalias
Addl. Public Prosecutor

O R D E R

This Writ petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents 6 to 8 from disturbing the petitioner and his family members' peaceful life and liberty as guaranteed under the Constitutional law of India, except in accordance with law

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The petitioner's son Saravanakumar was involved in an offence under Section 307 IPC along with one Raja (A1) and he was arrested by the police and released on bail. While so, a group inimical to Saravanakaumar and Raja, eliminated Raja and they are now looking out for Saravanakumar. At this juncture, the petitioner has come up with this petition for a direction to the respondent police not to harass the petitioner and his family members.

4. The fact remains that there is an inter se Gang War and therefore, it is a duty to be alerted in order to prevent any further escalation of violence. In a case of this nature, this Court cannot issue a direction to the police as that will be interdicting their duties under Section 149 Cr.P.C. It is also seen that the petitioner's son Saravanakumar has gone into hiding on fear of reprisal by the opposite party group.

5. Under such circumstances, no blanket order of 'not to harass' can be passed. The petitioner is directed to co-operate for the enquiry and during the course of enquiry, the petitioner and his family members shall not be harassed. The police shall issue a prior notice to Saravanakumar's wife, who is in the family way, if the police want to enquire her. However, if any cognizable offence is made out, this order would not be a shield against the arrest of the accused.

In view of the above, the writ petition is closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sms

To

- 1.The Director General of Police,
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 7. The Sub-Inspector of Police,
Peerankaranai Police Station,
Chennai.
 8. Rajee,
Peerankaranai Police Station,
Chennai.
 9. The Public Prosecutor,
High Court, Madras.
- 1 cc to Mr.M.Ravikumar, Advocate, sr.41367

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kra 10.08.2016