

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.3057 of 2016

Dr.J.Neva Lily Esther ... Petitioner

Vs.

1.The Commissioner of Police,
Salem City Commissioner Office,
Salem.

2.The Inspector of Police,
All Women Police Station,
Ammamet,
Salem.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the 2nd respondent not to harass the petitioner.

For Petitioner :Mr.P.Subramanian

For Respondents :Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This petition is filed to direct the 2nd respondent not to harass the petitioner.

2.The learned counsel for the petitioner submitted that the petitioner is a student, studying in M.D., course and the petitioner's brother David Livingstone is an accused in Crime No.12 of 2015 on the file of the 2nd respondent police. He further submitted that the respondents are harassing the petitioner under the guise of enquiry and hence, the petitioner has come forward with this petition for the above stated relief.

3.The learned Additional Public Prosecutor submitted that the petitioner's brother David Livingstone is the accused in Crime No.12 of 2015. On the basis of the confession given by one of the accused, his name has been implicated and he was called upon for investigation and there is no harassment. Hence, he prays for dismissal of this petition.

4.Considering the rival submissions made on both sides, the second respondent is directed not to harass the petitioner 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 petitioner. Thereupon, the petitioner shall appear before the police and submit himself for interrogation.

The Criminal Original Petition is disposed of with the above direction.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

mps

To

1.The Commissioner of Police,
Salem City Commissioner Office,
Salem.

2.The Inspector of Police,
All Women Police Station,
Ammamet,
Salem.

3.The Additional Public Prosecutor,
Madras High Court,
Madras.

1 cc to Mr.P. Subramanian, Advocate, Sr. 9338

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