

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.3601 of 2016

Rev.Dr.S.Jayaraj Krishnan .. 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., directing the 2nd respondent not to harass the petitioner.

For Petitioner : Mr.P.Subramanian

For Respondents : Mr.C.Emalias

Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for a direction, directing the respondents not to harass the petitioner under the guise of enquiry.

2. The learned counsel for the petitioner would submit that the petitioner's son alleged was arrayed as accused in Crime No.12 of 2015. He further submitted that even though the petitioner has already given an explanation, the second respondent is harassing the petitioner under the guise of enquiry and hence, he pray for direction directing the second respondent not to harass the petitioner.

3. Learned Additional Public Prosecutor would submit that the son of the petitioner was arrayed as accused in Crime No.12 of 2015 for the offences punishable under Sections 343, 323, 506 (i) and 376(ii) of IPC 376 r/w. 114 of IPC and Section 6 r/w.

Section 17 of POCSO Act, 2012. The age of the victim is 11 years. Now the accused is absconding and hence, to know the whereabouts of the accused, the petitioner was called but the petitioner wants to get shelter under this order. He further submitted that they have not harassing the petitioner and he is directed to appear before the respondent police for investigation. Hence, he pray for dismissal of the petition.

4. Considering the rival submissions made by both sides and on perusing the typed set of papers that the admitted facts are that the petitioner's son was arrayed as accused in Crime No.12 of 2015, the age of the victim girl is 11 years and the whereabouts of the accused is not known, 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. The petitioner is directed to appear before the respondent police for interrogation on 24.02.2016.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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

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

3.The Public Prosecutor
High Court, Chennai.

+1 cc to Mr.P.Subramaniam Advocate sr.10186/16

Cr1.O.P.No.3601 of 2016

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