

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.4222 of 2016

1.V.Murali

2.V.Murugesan @ Balu

3.Gurusamy

4.R.Vasu

5.V.Suseela

.... Petitioners

Vs.

1. The Collector
District Collector Office,
Salem District.

2. The Commissioner of Police,
Salem District.

3. The Commissioner of Police,
Thirupur District.

4. The Superintendent of Police,
Coimbatore District.

5. The Inspector of Police,
All Women Police Station,
Pollachi.

... Respondents

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondents police not to harass the petitioners except due process of law.

For Petitioners : Mr.Kanimozhi Mathi

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioners have come forward with this petition seeking for a direction, directing the respondent not to harass the petitioners under the guise of enquiry.

2. The learned counsel for the petitioners would submit that on the basis of the complaint given by one Saranya, who is the wife of the first petitioner, the petitioners were called for enquiry and tortured by the respondent police. He further submitted that the petitioners have already filed an anticipatory bail petition in CrI.O.P.No.3114 of 2016 against the 5th respondent. Hence the petitioners pray for direction, directing the respondents not to harass the petitioners.

3. Resisting the same, the learned Additional Public Prosecutor appearing for the respondents submit that on the basis of the complaint given by the first petitioner's wife, petition enquiry is pending. He would also submit that the respondent police has not harassed the petitioners. He further submitted that the petitioners without co-operating for enquiry, have come forward with the false allegations. Hence, he prayed for dismissal of the petition.

4. Considering the rival submissions, this petition is dismissed as against respondents 1 to 3. However, the 5th respondent is 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 5th respondent and submit them for interrogation.

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

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

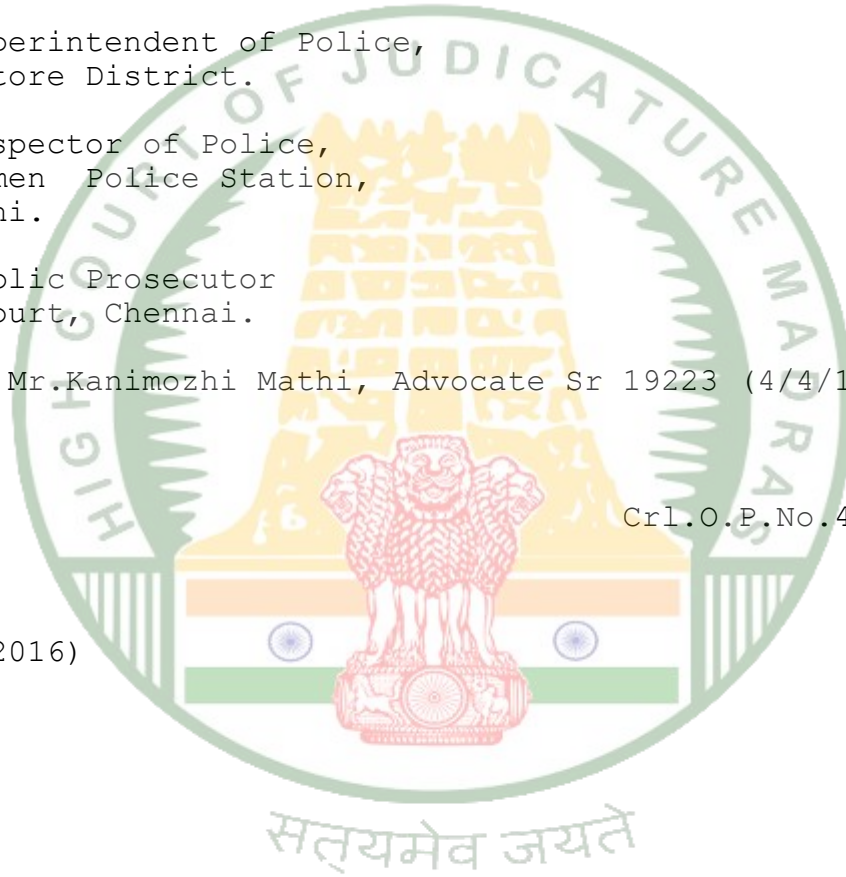
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To

1. The Collector
District Collector Office,
Salem District.
 2. The Commissioner of Police,
Salem District.
 3. The Commissioner of Police,
Thirupur District.
 4. The Superintendent of Police,
Coimbatore District.
 5. The Inspector of Police,
All Women Police Station,
Pollachi.
 6. The Public Prosecutor
High Court, Chennai.
- + 1 cc to Mr.Kanimozhi Mathi, Advocate Sr 19223 (4/4/16)

CrI.O.P.No.4222 of 2016

RSI (CO)
CA(28/03/2016)



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