

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.4780 of 2016

1.Balu
2.B.Vijayabaskar
3.Mohan
4.Karunakaran ... Petitioners
Vs.

1.The Superintendent of Police
Kanchipuram
Kanchipuram District.

2.State rep. by
Inspector of Police
Kanchi Taluk police station
Kanchipuram.

3.State rep. by
Inspector of Police
Vishnu Kanchi police station
Kanchipuram.

4.State rep. by
Inspector of Police
Shiva Kanchi police station
Kanchipuram.

.. Respondents

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to issue a direction to the respondents not to harass the petitioners under the guise of enquiry in connection with the case, in which, the first petitioner's son namely, Venkatesan involved.

For Petitioners :Mr.A.Saranraj
For Respondents :Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This petition is filed to direct the respondents not to harass the petitioners under the guise of enquiry.

2.The learned counsel for the petitioners would submit that the petitioners have been harassed by the respondents under the guise of enquiry in connection with the case in

Crime No.117 of 2016, in which, the son of first petitioner viz., Venkatesan has been arrayed as ninth accused. The petitioners 2 to 4 are brothers of the ninth accused. He would further submit that the petitioners are innocent persons and they are nothing to do with the alleged offence. Hence, the petitioners pray for a direction to the respondents not to harass them under the guise of enquiry.

3.Learned Additional Public Prosecutor submits that the case has been registered in Crime No.117 of 2016 for offences under Sections 147, 148, 323, 324, 302, 201 and 120B IPC against eighteen persons. In that case, one Venkatesan was arrayed as ninth accused and he is the son of first petitioner. The petitioners 2 to 4 herein are brothers of ninth accused. He further submits that the petitioners were called only for enquiry and that no harassment made against them.

4.Considering the rival submissions made on both sides, even though the petitioners are relatives of ninth accused, the respondents are 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 police and submit themselves for interrogation.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police
Kanchipuram
Kanchipuram District.

2.The Inspector of Police
Kanchi Taluk police station
Kanchipuram.

3.The Inspector of Police
Vishnu Kanchi police station
Kanchipuram.

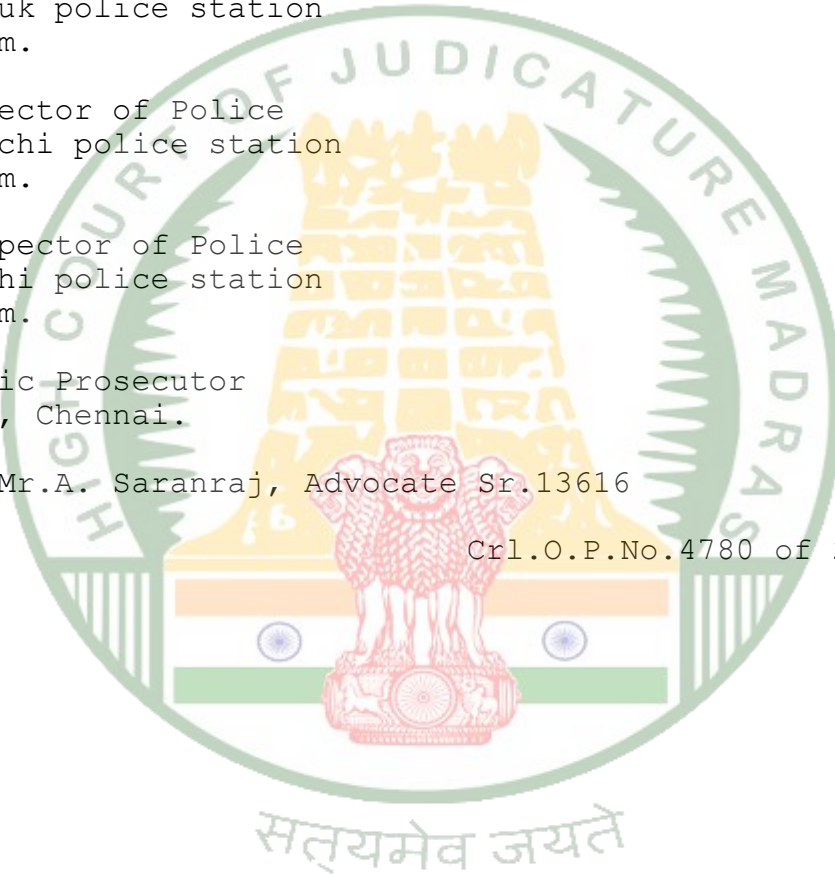
4.The Inspector of Police
Shiva Kanchi police station
Kanchipuram.

5.The Public Prosecutor
High Court, Chennai.

+ 1 cc to Mr.A. Saranraj, Advocate Sr.13616

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KSJ(CO)
Eu 8.03.16



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