

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.508 of 2016

1.Amul raj
2.Arul Raj

.. Petitioners

Vs.

State rep. by
Inspector of Police
T-5, Thiruverkkadu police station
Chennai-77.

.. Respondent

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondent police not to harass the petitioners in Crime No. not known of 2016, pending on the file of the respondent police.

For Petitioners
For Respondent

:Mr.R.Muniyapparaj
:Mr.C.Emaliyas
Addl. Public Prosecutor

O R D E R

This petition is filed to direct the respondent police not to harass the petitioners in Crime No. not known of 2016, pending on the file of the respondent police.

2.The learned counsel for the petitioners would submit that the petitioners are harassed by the respondent police under the guise of enquiry, on the basis of the complaint lodged by one Murugesan.

3.Learned Additional Public Prosecutor submits that petitioner's brother namely, Vimalraj has eloped with one Niveditha, who is the daughter of Murugesan and that the said Murugesan has lodged a complaint, for which, C.S.R.No.736 of 2015 is assigned. He further submits that the wife of Vimalraj namely, Metchavathi has also filed H.C.P., in which, a direction has been given to the respondent police to produce Vimalraj for enquiry. The petitioners were also called for enquiry and now

enquiry is going on. Therefore, he prayed for dismissal of the petition.

4.Considering the rival submissions made on both sides, a complaint was given by one Murugesan, who is the father of one Niveditha, against one Vimalraj/brother of the petitioners, stating that the said Vimalraj eloped with his daughter. C.S.R.No.376 of 2015 has been assigned to the said complaint. It is pertinent to note that wife of Vimalraj has also filed H.C.P., which is pending. According to the learned counsel for the petitioners, the petitioners are nothing to do with the alleged offence. Under such circumstances, even if the petitioners are accused, the respondent police shall not harass them under the guise of enquiry. Therefore, the 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 police and submit themselves for interrogation.

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.Inspector of Police
T-5, Thiruverkkadu police station
Chennai-77.

2.The Public Prosecutor
High Court, Chennai.

+1 cc to Mr.R.Muniyapparaj Advocate sr.7134

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