

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18..10..2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Writ Petition No.36419 of 2016

&

W.M.P.No.31365 of 2016

Patchaiyammal

... Petitioner

-Versus-

1.The Director General of Police,
No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

2.The Superintendent of Police,
Villupuram District,
Master Plan Complex,
Collector Office Road,
Villupuram 635 602.

3.The Inspector of Police,
Aroville Police Station,
Villupuram District.

4.The Superintendent of Police (South),
Police Complex,
Thavalakuppam,
Puducherry-7.

5.The Inspector of Police,
Ariyankuppam Police Station,
Puducherry-7.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of mandamus directing the respondents not to harass the petitioner under the guise of inquiry in respect of case in Crime No. 678 of 2016 on the file of the 3rd respondent police registered against the petitioner's son in the light of the representation of the petitioner dated 15.10.2016 to the respondents.

For Petitioner

: Mr.V.Vasanthakumar

For Respondent(s)

: Mr.C.Emalias, APP for R1 &
R2, R3

: Mr.M.R.Thangavel, PP for
Puducherry for R4 & R5

ORDER

This petition has been filed seeking direction to the respondents not to harass the petitioner under the guise of inquiry in connection with the case in Crime No.678 of 2016 on the file of the 3rd respondent police.

2. It is seen that a major explosion took place in a Fireworks Factory allegedly run by the petitioner's son in which five persons have lost their lives and several persons sustained injuries and in connection with the said fire accident, a case in Crime No.678 of 2016 has been registered for offences under Sections 285 and 304(ii) of IPC r/w Section 3 of The Explosives and Substances Act against the petitioner's son Sekar and investigation is in progress. Since Sekar is in abscondance, the police are taking steps to apprehend him. The petitioner is a resident of Ariyankuppam in Puducherry. It is alleged by the petitioner that the police are harassing her in the guise of investigation and therefore, she has come up with this writ petition for the above said relief.

3. In a case of such serious mishap wherein five persons have lost their lives and several persons have sustained injuries, it is imperative for the police to take all steps to bring the offender to justice and in that process, if any inconvenience is caused to the petitioner, who is the mother of the suspect, the same cannot be a subject matter of judicial review in exercise of the power of this court under Article 226 of the Constitution of India. However, the petitioner is directed to cooperate with the police in the inquiry and the police are directed not to unnecessarily harass the petitioner as she being an octogenarian and is said to be living separately in Union Territory of Puducherry. If the petitioner resists the lawful apprehension of the suspect and harbors the offender, it is needless to state that this order will not in any way preclude the respondent police from initiating a separate prosecution against the petitioner in accordance with law.

4. In the result, this writ petition is closed with the above directions. Consequently, connected WMP is closed.

WEB COPY

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

kmk

To

1.The Director General of Police,
No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

2.The Superintendent of Police,
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Master Plan Complex,
Collector Office Road,
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Villupuram District.

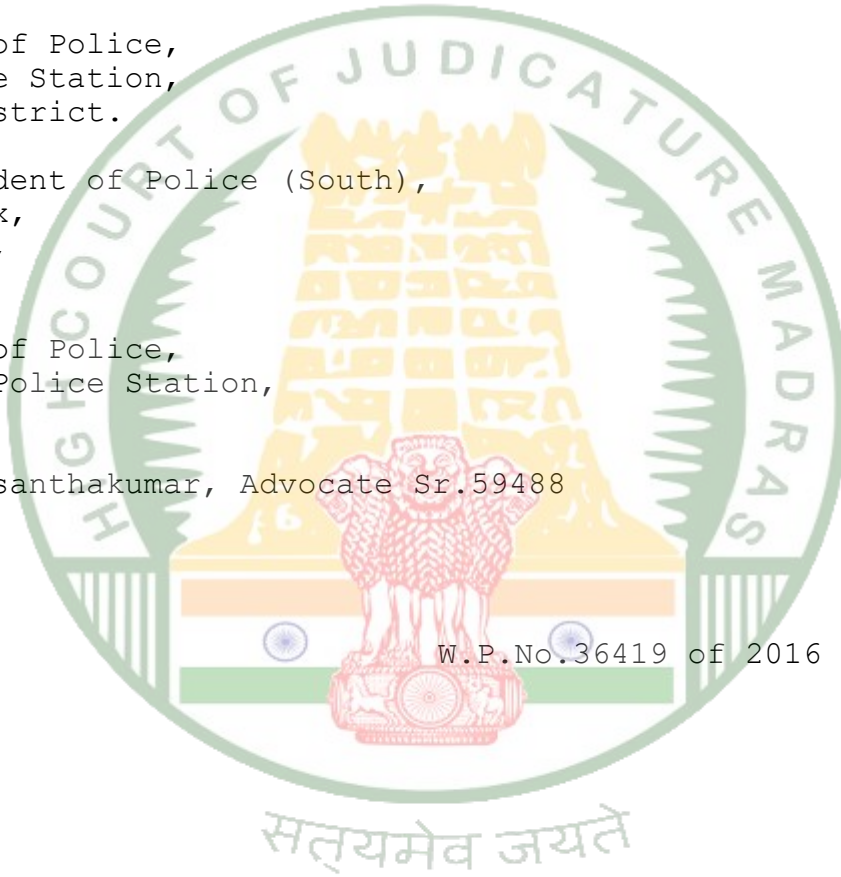
4.The Superintendent of Police (South),
Police Complex,
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Puducherry-7.

5.The Inspector of Police,
Ariyankuppam Police Station,
Puducherry-7.

+1 CC to Mr.V.Vasanthakumar, Advocate Sr.59488

CO-KJI

ths : 15.11.2016



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