

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.Nos.8108 and 8165 of 2016

Senthamil Selvan .. Petitioner in
Crl.O.P.No.8108 of 2016

Sasikumar .. Petitioner in
Crl.O.P.No.8165 of 2016

Vs.

1.The Superintendent of Police,
Thiruvavur District,
Thiruvavur.

2.The Inspector of Police,
Vadavoor Police Station,
Thiruvavur District.

.. Respondents in
both Crl.O.Ps

Prayer in both Crl.O.Ps:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the second respondent herein not to harass the petitioner on the guise of enquiry and on the basis of the representation given by the petitioner dated 31.03.2016.

For Petitioner
in both Crl.O.Ps: Mr.A.Subash

For Respondents
in both Crl.O.Ps: Mr.C.Emalias
Additional Public Prosecutor

COMMON ORDER

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

2.The learned counsel for the petitioners would submit that even though the petitioners were facing criminal trial, the respondents were harassing the petitioners stating that they want to serve summons under Section 110 of Cr.P.C. and hence, he

pray for direction directing the second respondent not to harass the petitioners.

3.At this juncture, the learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner in Crl.O.P.No.8165 of 2016, viz., Sasikumar is in History Sheet Rowdy No.5/2004 and the petitioner in Crl.O.P.No.8108 of 2016, viz., Senthamil Selvan is in History Sheet Rowdy No.6/2004 and because of the ensuing Election, they want to serve summons under Section 110 Cr.P.C.. He would also submit that the petitioners instead of receiving the summons, they have come forward with these petitions for direction, directing the second respondent not to harass the petitioners. Hence, he prayed for dismissal of the petition.

4.Considered the rival submissions made by both sides and perused the typed set of papers.

5.The petitioners in both the Criminal Original Petitions were in the History Sheet Rowdy list and they were facing criminal trial. Because of the ensuing election, the respondents want to serve summons under Section 110 Cr.P.C. In such circumstances, I am of the view that the petitioners shall be directed to appear before the respondents. Accordingly, the petitioners are directed to appear before the respondent police on 15.04.2016 and receive summons. Further, the second 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.

6.The Criminal Original Petitions are disposed of with the above direction.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cse

To

1.The Superintendent of Police,
Thiruvavarur District,
Thiruvavarur.

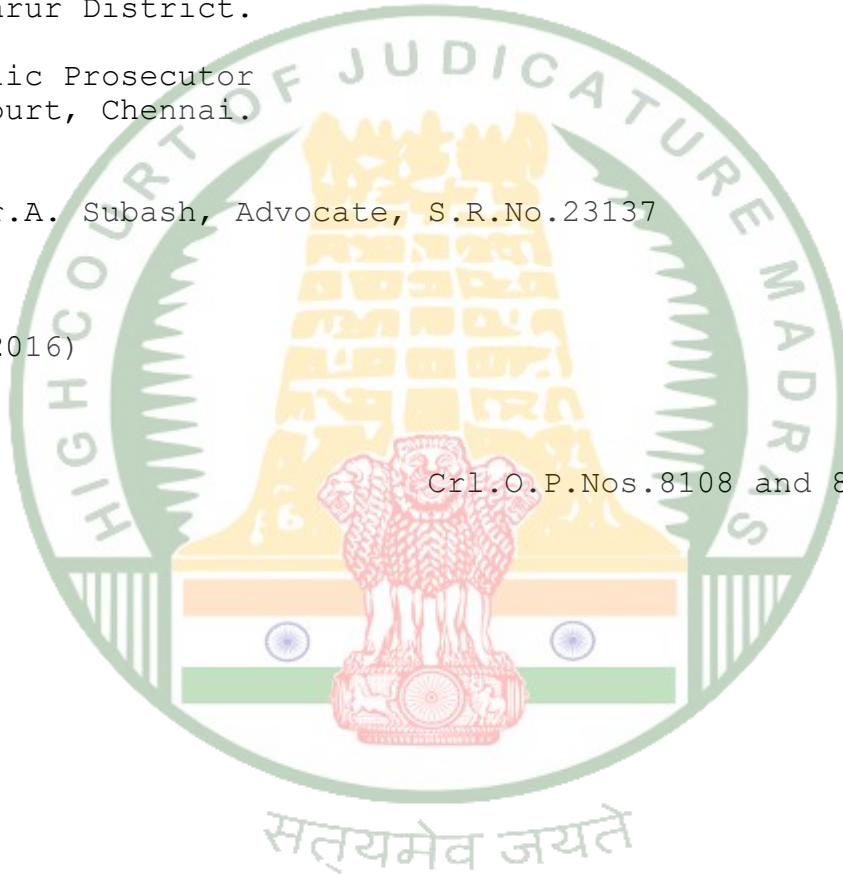
2.The Inspector of Police,
Vadavoor Police Station,
Thiruvavarur District.

3.The Public Prosecutor
High Court, Chennai.

+1cc to Mr.A. Subash, Advocate, S.R.No.23137

SCD(CO)
EU(13/04/2016)

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