

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.9672 of 2016

M.Palanisamy

... Petitioner

Vs.

1.State: Rep. By

The Inspector of Police,
Keelapalayur Police Station,
Keelapalayur,
Ariyalur District.

2.The Superintendent of Police,
Ariyalur,
Ariyalur District.

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the first respondent police not to harass the petitioner without any valid reasons.

For Petitioner : Mr.R.Muthukumar

For Respondents: Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to the first respondent not to harass the petitioner.

2.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

3.The learned counsel appearing for the petitioner would submit that the respondents to know about the whereabouts of one Neelamagam, a life convict, are frequently calling the petitioner and harassing him under the guise of enquiry.

4.At this juncture, the learned Additional Public Prosecutor would submit that the one Govindammal's son Neelamagam is a life convict, he was given six days parole, but he jumped out of the

parole. Hence, a case has been registered in Crime No.34 of 2014. Now, during investigation, came to know that the said Neelamagam is contacting his mother Govindammal and also this petitioner. Hence, the petitioner was called for interrogation, but instead of appearing before the respondent police he has come forward with this petition and prays for the dismissal of this petition.

5.Considering the submissions made on both sides and on a perusal of the typed set of papers it is known, that one life convict Neelamagam was given six days parole and during that time he has jumped out of parole. Hence, a case has been registered in Crime No.34 of 2014 and now during investigation, the respondents came to know that the said Neelamagam is contacting his mother Govindammal and also this petitioner. Hence, the petitioner was called for interrogation. In such circumstances, I am of the view that it is a fit case for giving a direction.

6.Hence, the first respondent is directed not to harass the petitioner 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 respondent police to issue summons to the petitioner. However, the petitioner is directed to appear before the respondent police for interrogation on receipt of summons.

7.With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Keelapalayur Police Station,
Keelapalayur,
Ariyalur District.

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2.The Superintendent of Police,
Ariyalur,
Ariyalur District.

3.The Public Prosecutor
High Court, Madras.

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