



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2016

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Cr1.O.P(MD)No.23791 of 2015

A.Seetharaman : Petitioner
Vs.

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

2.The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., praying to direct the 2nd respondent and his officials not to harass the petitioner and his family as well as his daughter Sri Devi and her family.

For Petitioner : Mr.C.T.Perumal
For Respondents : Mrs.S.Prabha
Government Advocate (Cr1.Side)

ORDER

The petitioner has come forward with this petition, praying to direct the 2nd respondent and his officials not to harass the petitioner and his family members as well as his daughter Sri Devi and her family and to pass orders.

2. Counsel appearing for the petitioner would submit that the petitioner is the father of the life convict viz., Muthukrishnan and now the petitioner and his family members are having no knowledge about the whereabouts of their son Muthukrishnan. In these circumstances, the 2nd respondent police is harassing the petitioner and his family members under the guise of enquiry. Therefore, the petitioner has come forward with the aforesaid relief.

3. The respondent has filed a status report stating and contending, inter alia that the petitioner's son is a life convict, sentenced to life imprisonment by the District and Sessions Court, Srivilliputhur and he was undergoing the sentence in the Central



Prison, Madurai. On 07.08.2010, the petitioner's son Muthukrishnan was granted parole but he did not return to the prison, as per the condition of the parole. During the parole, the life convict Muthukrishnan had married one Vijayalakshmi, the daughter of Panchatcharam and Maheswari. The petitioner's son has produced a false medical certificate to go on parole. The whereabouts of the life convict/Muthukrishnan is not known.

4. The Government Advocate (crl.side) submitted that there is no harassment at all to the petitioner or his family members, but they are asked to appear for enquiry based on summons.

5. At this stage, the counsel appearing for the petitioner would submit that the petitioner has not known about the whereabouts of his son and in case, if he seen his son, he would be handed over to the respondent police.

6. I have heard the counsel appearing on either side and perused the materials available on record.

7. It is very unfortunate that the petitioner's son, who is a life convict, was granted parole. Further, as per the prosecution, lot of criminal cases have been registered against the petitioner's son. According to the Government Advocate (crl.side), the petitioner's son is a life convict and therefore, the respondent police are in search of him and that there is no harassment. The said submission is recorded. This Court makes it very clear that whenever the petitioner including his family members are required by the respondent police, they shall appear before the police on summons and they cannot contend that there was already an order that there would not be any harassment by the respondent and that the police cannot call for them enquiry. 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***. Therefore, the relief sought for by the petitioner, as such, cannot be granted.

8. With the above direction, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar



To

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

2.The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.C.T.Perumal, Advocate Sr.No.2040

MPK

AA/SK-SKN/22.01.2016/3p-5c

ORDER MADE IN
Cr1.O.P(MD)No.23791 of 2015
11.01.2016