



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Crl.O.P(MD)No.1142 of 2016

P.Subbaiah : Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
Ulagampatti Police Station,
Sivagangai District.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., praying to direct the 2nd respondent not to harass the petitioner on the guise of enquiry.

For Petitioners : Mr.K.G.Arunkumar

For Respondents : Mr.A.P.Balasubramani
Government Advocate (Crl.Side)

ORDER

The petitioner has come forward with this petition, praying to direct the 2nd respondent not to harass the petitioner on the guise of enquiry.

2. The main grievance of petitioner is that without any valid reason, the respondent police are harassing the petitioner. The said submission of the petitioner is gainsaid by the Government Advocate (crl.side).

3. The Government Advocate (Crl.side), on instruction, would submit that petition enquiry was conducted and there is no such harassment against the petitioner and if any interrogation or any further investigation is needed by the respondent against the petitioner, the norms which are mentioned in the Judgement of Hon'ble Apex Court in *D.K.Basu Vs. State of West Bengal* reported in *1980 AIR 1453, 1980 SCR 610*, would be followed. He would further submit that there will not be any harassment and the enquiry or interrogation would be done in accordance with law.



4. It is relevant to refer the decision of this Court in *S.Ashokan and others v. State* reported in 2015(3) CTC 807, wherein this Court has observed that when the rights have not been determined by the civil Court, police protection cannot be sought for.

5. Taking note of the submission made by the Government Advocate (Crl.side) that the respondent police would not harass the petitioner in future under the guise of any enquiry, the criminal original Petition is closed. However, the police shall not interfere in civil dispute. The petitioner is directed to co-operate with the enquiry. He is also directed to appear before the respondent police, on issuance of summons.

Sd/-
Assistant Registrar(R)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Superintendent of Police,
Sivagangai District.
- 2.The Inspector of Police,
Ulagampatti Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to M/s.K.G.Arunkumar, Advocate, SR.No.4021

MPK
RL/5C/PM/MP/29/1/2016

ORDER MADE IN
Crl.O.P(MD)No.1142 of 2016