

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.05.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.16408 of 2004
and
W.P.M.P.No.19388 of 2004

Sunil Kumar

...Petitioner

-VS-

1.State of Tamil Nadu
Represented by
Secretary to Government,
Home Department,
Fort St. George,
Chennai 600 009.

2.The Superintendent of Police,
Kanyakumari District
at Nagercoil,
Nagercoil.

3.The Deputy Superintendent of Police,
Kanyakumari District
at Nagercoil,
Nagercoil.

4.The Inspector of Police,
Kollamcode Police Station,
Kanyakumari District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the fourth respondent not to arrest the petitioner in C.C.No.164/2000 on the file of the Judicial Magistrate No.II, Kuzhithurai.

For Petitioner : Mr.R.N.Amarnath

For Respondents : Mr.A.Zakir Hussain,
Govt. Advocate

O R D E R

The writ petition on hand is filed for a direction to the fourth respondent, the Inspector of Police not to harass the petitioner in C.C.No.164 of 2000 on the file of the learned Judicial Magistrate No.II, Kuzhithurai.

2.The petitioner pleaded that he had not involved in any offence and the case was erroneously registered against him.

3.The respondents 1 to 3 have filed a common counter affidavit, in which, they have stated that one Stella, wife of Devadhasan lodged a criminal complaint before the Inspector of Police, Kollencode Police Station on 23.03.1994, which was numbered as Cr.No.57 of 1994 for the offences punishable under Sections 147, 148, 447, 286, 427, 375 and 506(ii) IPC against nine persons.

4.The petitioner, by changing his name, was escaping from getting arrested at the hands of the police. The police subsequently, came to know that the name Suthi as well as Sunil Kumar refers the same person, that is to say that with the name of Sunil Kumar and Suthi, the petitioner escaped from being arrested by the police for the purpose of investigation in the above said criminal case.

5.The prayer as such sought for in this writ petition is not maintainable since the criminal case was already registered against the petitioner and the police investigation is in process.

6.No writ petition can be entertained with regard to arrest or release of the person, who has committed any offence. Since the criminal case was already registered against the petitioner and as such the prayer sought for cannot be entertained, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cla

To

1.The Secretary to Government,
Tamil Nadu Home Department,
Fort St. George,
Chennai 600 009.

2.The Superintendent of Police,
Kanyakumari District
at Nagercoil,
Nagercoil.

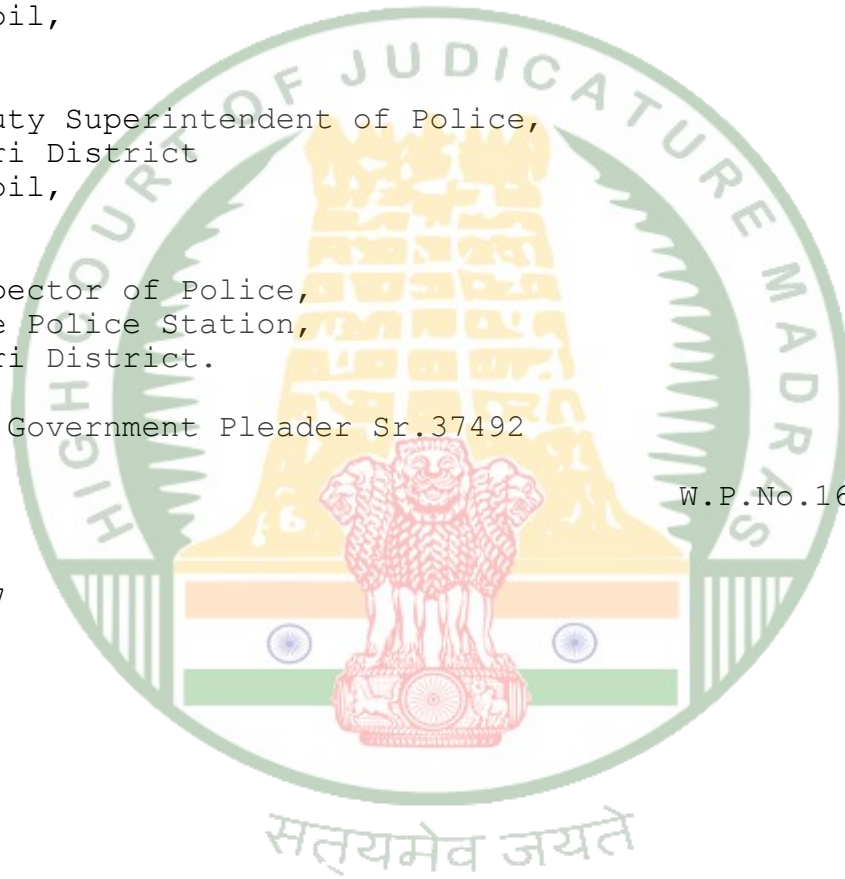
3.The Deputy Superintendent of Police,
Kanyakumari District
at Nagercoil,
Nagercoil.

4.The Inspector of Police,
Kollamcode Police Station,
Kanyakumari District.

+ 1 cc to Government Pleader Sr.37492

W.P.No.16408 of 2004

NM(CO)
EU 26.5.17



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