



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.10015 of 2017

Nandakumar

...Petitioner

-Vs-

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

2. The Deputy Inspector General of Police,
Thanjavur District,
Thanjavur.

3. The Inspector of Police,
Pattukkottai P.E.W.,
Pattukkottai,
Thanjavur District.

4. The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.

...Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to direct the 3rd and 4th respondents herein not to harass the petitioner under the guise of enquiry without due process of law on the basis of petitioner's representation dated 25.07.2017.

For Petitioner : Mr.S.Deenadhayalan

For Respondents : Mr.K.Anbarasan
Government Advocate(Crl.Side)

O R D E R

This Criminal Original petition is filed for a direction to the 3rd and 4th respondents herein not to harass the petitioner under the guise of enquiry without due process of law on the basis of petitioner's representation dated 25.07.2017.

side) appearing for the respondents.

3. The learned counsel appearing for the petitioner states that the petitioner though a history-sheeted rowdy, he is not involved in any crime for the past several years. However, the respondent police is harassing the petitioner in violation of the personal liberty enshrined under Article 21 of the Constitution of India and provisions contemplated under Section 41A of Cr.P.C.

4. However, the learned Government Advocate (Crl. Side) appearing for the respondents, on instructions, would submit that the petitioner is a history-sheeted rowdy and he is having 14 previous cases and he is involved in several criminal cases. He would further submit that on the basis of the direction issued by the 2nd respondent viz., the The Deputy Inspector General of Police, Thanjavur District, Thanjavur, the respondent Police only entered in search of the petitioner to know about his whereabouts and there was no harassment. Further, the petitioner has not stated any specific incident regarding the harassment. However, the frequent enquiry by the respondent police cannot be taken as incident as harassment, especially, having regard to the previous history of the petitioner.

5. In such circumstances, this Court is of the view that if the presence of the petitioner is required for any enquiry, he will be called only after issuing summons prescribing the date and time and in the manner prescribed in law.

6. With the above observation, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Thanjavur District,
Thanjavur.
2. The Deputy Inspector General of Police,
Thanjavur District,
Thanjavur.
3. The Inspector of Police,
Pattukkottai,
Thanjavur District.



4. The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.

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

+1cc to MR.S.Deenadhayalan, Advocate in SR.No.69169

das/trp

AE/SKN RSK/SAR3/22.08.2017/3P/7C

CRL.O.P. (MD) No.10015 of 2017

01.08.2017