



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.11311 of 2017

WEB COPY

1. Chitra
2. Abinaya
3. Aruna
4. Raja
5. Murugan
6. Mukesh
7. Sethupandi
8. K.K.Arumugam

... Petitioners

-Vs-

1. The Superintendent of Police,
Sivagangai District @ Sivagangai.
2. The Inspector of Police,
Town Police Station, Sivagangai,
Sivagangai District.
3. Mohan
Inspector of Police,
Town Police Station, Sivagangai,
Sivagangai District.

4. Peter Alangara Thamburaj

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents not to harass the petitioners in the name of enquiry in view of the case in Crime No.594 of 2017 pending before the second respondent police.

For Petitioners

: Mr.N.Sathish Babu

For R-1 to R-3

: Mr.K.Anbarasan,
Government Advocate(Crl. Side).

O R D E R

This Criminal Original petition is filed seeking a direction to the respondents not to harass the petitioners in the name of enquiry in connection with the case in Crime No.594 of 2017 pending before the second respondent police.



2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal side) appearing for the respondents 1 to 3.

3. The learned counsel for the petitioners submitted that as against the first petitioner's husband, a complaint was given and as a result, a case was registered in Crime No.594 of 2017 for the offences under Sections 406 and 420 I.P.C. He further submitted that the first petitioner who is the wife of the first accused, namely, one Ravi and daughters and other relatives of the said Ravi are being unnecessarily harassed by the third respondent. It is further submitted that the third respondent has called the petitioners for an enquiry and detained them unlawfully and also demanding that they should produce the said Ravi and his son.

4. The learned Government Advocate(Criminal Side) however submitted that no enquiry was conducted by calling the petitioners and they have not involved in any crime and that therefore there is no scope for harassment.

5. The allegations of the petitioners in this case are specifically about the third respondent. Hence, the third respondent shall not harass the petitioners unnecessarily. Even if the presence of the petitioners is required for any enquiry, the same shall be done only after issuing summons prescribing date and time and in the manner known to law and by following the procedure that are reiterated in the case of **D.K.Basu V. State of West Bengal**, reported in **AIR 1997 SC 610**.

6. With the above observation, the Criminal Original petition is closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to M/S.N.SATHISH BABU, Advocate SR.No.75403

pmu

MAS/KK/SAR1:11.09.2017:2P-5C

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