



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.11834 of 2017

Annammal

... Petitioner

-Vs-

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

2. The Inspector of Police,  
Pudukottai Police Station,  
Tuticorin District.

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent to instruct the second respondent not to harass the petitioner under the guise of enquiry on the purported complaint said to have been registered against the petitioner's son Raviraj, based on the representation, dated 30.08.2017.

For Petitioner : Mr.R.Murugan

For R-1 & R-2 : Mr.K.Anbarasan,  
Government Advocate(Crl. Side)

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O R D E R

This Criminal Original petition is filed for a direction to the respondents not to harass the petitioner under the guise of enquiry on the purported complaint said to have been registered against the petitioner's son Raviraj, based on the representation, dated 30.08.2017.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal Side) appearing for the respondents.

3. It is stated that the petitioner's son, namely, one Raviraj did not return from the College on 24.07.2017 and that on enquiry, it was also found that he did not turn up to the College. It is stated that the petitioner herself submitted a complaint to the Vilathikulam Police Station informing that her son was found missing. However, it is stated that the respondent police



has visited the petitioner's house in search of the petitioner's son, stating that a complaint has been received for girl missing and registered, involving the petitioner's son.

4. The petitioner further states that she did not know the whereabouts of her son and that therefore, there should not be any harassment to the petitioner as well as her family members. Stating that the second respondent is threatening the petitioner and insisting her to come to the police station, it is further submitted that in these circumstances, the petitioner has come forward with this petition for a direction to the respondents not to harass the petitioner.

5. It is also alleged that the petitioner and her two daughters who are unmarried are being tortured and harassed by the second respondent.

6. The learned Government Advocate(Criminal Side) however on instructions submitted that there is no harassment. It is further stated that it is only in connection with the criminal case registered against the petitioner's son, an enquiry was conducted. He further submitted that it is a case of girl missing and that serious allegations were made against the petitioner's son and hence the enquiry is indispensable. Since the petitioner was called for the enquiry, it is submitted by the learned Government Advocate(Criminal Side) that the petitioner has come forward with this petition.

7. Be that as it may, the petitioner and her family members are not involved in any crime as on date. Even if the petitioner's appearance is required for any enquiry in connection with the criminal case, the same also shall be done only after issuing summons prescribing date and time and in the manner known to law. The complaint should be enquired into, as per the guidelines issued by the Hon'ble Supreme court, in the case of D.K.Basu Vs. State of West Bengal.

8. Hence, the Criminal Original petition is closed with an observation that the petitioner and her family members need not be harassed and that the petitioner can be called for any enquiry only for reasons, after issuing summons and following the procedure in the manner known to law.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar.



To

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

2. The Inspector of Police,  
Pudukottai Police Station,  
Tuticorin District.

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

+1CC to Mr.R.Murugan, Advocate, SR.No.77004

CRL.O.P.(MD)No.11834 of 2017  
07.09.2017

pmu  
AM/GT/SAR 3/25.09.2017/3P/5C