



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.12712 of 2017

T.V. Haribabu

: Petitioner

-Vs-

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
South Gate Police Station (L & O),
Madurai.

3.The Sub Inspector of Police,
South Gate Police Station,
Madurai.

: Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the respondents 2 and 3 not to harass the petitioner and his family members without any legally sustainable complaint and to abide by the guidelines in D.K. Basu case in 1997 (1) SCC 416.

For Petitioner : Mr.R. Venkatesan
For Respondents 1 to 3 : Mr.K.S.. Durai Pandian
Additional Public Prosecutor

O R D E R

This petition is filed for directing the respondents 2 and 3 not to harass the petitioner and his family members without any legally sustainable complaint.

2. The learned counsel appearing for the petitioner submitted that no complaint was lodged against the petitioner and that the respondents 2 and 3 are harassing the petitioner and his family members un-necessarily.

3. The learned Additional Public Prosecutor appearing for the respondents on instructions submitted that no case was originally registered as against the petitioner. Originally, the complaint



was lodged against some others. He further stated that during investigation, on the basis of the further statement of the de facto complainant and the confession statement of one of the accused in the criminal complaint, the petitioner was also implicated in this case and the offences were altered into Sections 147, 448, 506(i), 424 and Section 3 of TNPPDL Act and the further enquiry is going on. He further contended that there is no harassment and that the petitioner instead of facing enquiry approached this Court unnecessarily.

4. Having regard to the fact that the petitioner is said to have been involved in the criminal case, enquiry cannot be dispensed with. Even, if the petitioner's appearance is required for enquiry, the same also shall be done only by issuing summons prescribing date and time and in the manner prescribed in law.

5. With the above observation, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Inspector of Police,
South Gate Police Station (L & O),
Madurai.
- 3.The Sub Inspector of Police,
South Gate Police Station,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

TRP

TE/KP/SAR-II : 20/10/2017 : 2P/5C

CRL.O.P.(MD)No.12712 of 2017
05.10.2017