



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.14705 of 2017

Vasantha

... Petitioner

-Vs-

1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai District.

2. The Inspector of Police,
Sellur Police Station,
Madurai District.

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of the Criminal Procedure Code, to direct the first respondent to strictly instruct the second respondent for not to harass the petitioner and her family members by considering her representation, dated 28.10.2017 in accordance with law within a time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.Ramar,

Additional Public Prosecutor.

O R D E R

This Criminal Original petition is filed for issuing a direction to the first respondent to instruct the second respondent not to harass the petitioner and her family members by considering her representation, dated 28.10.2017, in accordance with law within a time stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. It is stated that the petitioner is living with her daughter's family. It is also admitted that the petitioner's son was involved in a criminal case where he was charged for the offence of committing murder. It is also stated that the petitioner, her daughter and her son-in-law who were residing away from the petitioner's son are being harassed under the guise of enquiry as to the whereabouts of the petitioner's son. It is also stated that the petitioner and her family members are often detained by the second respondent and that they are threatened to produce the petitioner's son by stating that a false case would be raised against the petitioner and others, if they do not produce the petitioner's son.



4. Learned Additional Public Prosecutor except stating that the petitioner's son is involved in a criminal case which was registered for the major offence of murder, there is no allegation as to the involvement of the petitioner, her daughter and her son-in-law in any offence.

WEB COPY

5. The contention of the petitioner is that she is living with her daughter and son-in-law and that there is no necessity to harass the petitioner in connection with the case registered against the petitioner's son. The petitioner has submitted a representation on 28.10.2017 to the higher officials.

6. When no complaint is lodged against the petitioner and the petitioner's involvement is not noticed by the respondents in connection with any offence for which the petitioner's son is booked, there is no necessity to harass the petitioner. Even if the petitioner's appearance is required in connection with any enquiry, the same can also be done only after issuing summons and by following the guidelines issued by the Hon'ble Supreme Court in the case of **D.K.Basu V. State of West Bengal**, reported in **(1997) 1 SCC 416**.

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

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai District.
2. The Inspector of Police,
Sellur Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Alagumani, Advocate Sr.No.87625

CP/PMU

VB/SKN/RSK/SAR2/24/11/2017/2P/5C

CRL.O.P. (MD) No.14705 of 2017

14.11.2017