



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.16729 of 2017

1.S.Natarajan

2.Malliga

... Petitioners

-Vs.-

1.The Inspector of Police,
Mukkudal Police Station,
Mukkudal,
Tirunelveli District.

2.The Sub-Inspector of Police,
Pappakudi Police Station,
Pappakudi,
Tirunelveli District.

...Respondents 1 & 2

3.Babitha

...3rd respondent / Daughter in Law

PRAYER: Criminal Original petition - filed under Section 482 of Criminal Procedure Code, to direct the 1st and 2nd respondents herein not to harass the petitioners under the guise of enquiry without following the procedures established by law.

For Petitioners : Mr.S.Krishnan
For Respondents -1&2 : Mr.K.S.Durai Pandian,
Additional Public Prosecutor.

O R D E R

This petition has been filed for a direction to the first and second respondents not to harass the petitioners under the guise of enquiry without following the procedure.

2. It is stated that the petitioners are husband and wife and they are parents of one Mahesh kumar, the elder son. But, it appears that the petitioners' daughter in law has filed M.C.No.8 of 2015 on the file of the learned District Munsif and Judicial Magistrate, Cherenmahadevi, and that an order has been passed, granting interim maintenance to her from her husband payable by her husband.

3. It is further stated that under the guise of executing warrant that was issued against the petitioners' son by the District Munsif, Cherenmahadevi, the petitioners are being harassed by the police officers.



4. It is stated that the petitioners have disclosed the whereabouts of the petitioners' son and that the respondents started harassing the petitioners instead of searching the petitioners' son, who is working in a permanent place. The case of the petitioners appears to be true.

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5. Warrant has been issued only against the petitioners' son. Hence, the respondents 1 and 2 need not harass the petitioners. When the petitioners have disclosed the permanent residence of their son that the petitioners' son is in Mumbai, the respondents 1 and 2 cannot visit the petitioners' place or calling upon them repeatedly to appear before them with regard to the whereabouts of the petitioners' son. Hence, the above original petition is allowed and the respondents 1 and 2 shall not harass the petitioners under the guise of enquiry or by showing the non-bailable warrant that was issued against the petitioners' son. Even, if the appearance of the petitioners' is required for any enquiry, the same can be done in accordance with law after issuing summon prescribing the date, place and time and reason.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Mukkudal Police Station,
Mukkudal,
Tirunelveli District.
2. The Sub-Inspector of Police,
Pappakudi Police Station,
Pappakudi,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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