



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD) No.17050 of 2017

WEB COPY

Murugan

... Petitioner

-Vs-

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

2. The Inspector of Police,
Puliyangudi Police Station,
Tirunelveli District.

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent not to harass the petitioner and his family members in the guise of enquiry.

For Petitioners

: Mr.A.R.Kannappan

For Respondent

: Mr.K.S.Duraipandian

Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed for issuing a direction to the second respondent not to harass the petitioner and his family members under the guise of enquiry.

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

3. The petitioner states that he is residing with his wife and children and that he is eking out his livelihood by doing agriculture. It is stated that the petitioner is falsely implicated in a criminal case in Crime No.515 of 2011 by the respondent police and thereafter the case was taken on file in C.C.No.471 of 2014 after filing charge sheet. The petitioner further states that he is also implicated in two other cases subsequently, in Crime No.68 of 2017 and in Crime No.16 of 2017 for the alleged offence under Section 379 of I.P.C.

4. It is submitted that the petitioner obtained Anticipatory Bail and that he has complied with the conditions imposed by the District Court, Tirunelveli and he is appearing before the



respondent police for enquiry. Complaining that the second respondent is harassing the petitioner and that the petitioner and his family members are interfering during night hours, the petitioner has come before this Court with the present petition.

5. The petitioner himself admits that three cases are pending against him.

6. The learned Additional Public prosecutor further added that there are four cases pending against the petitioner and the petitioner is a Habitual Offender. It is only in connection with the offence or incident where the petitioner is involved, he is called for an enquiry and that there was no harassment at any point of time.

7. The petitioner appears to be involved in several cases and therefore there cannot be a direction to protect his rights as he does not deserve such protection by orders of this Court.

8. Hence, the Criminal Original petition is closed. However, the second respondent need not harass the petitioner's family members. Even if the petitioner's appearance is required in connection with any enquiry, the same can also be done by issuing summons prescribing date and time and after following the guidelines issued by the Hon'ble Supreme Court in the case of **D.K.Basu V. State of West Bengal**, reported in **AIR 1997 SC 610**.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to Mr.A.R.Kannappan , Advocate Sr.No.92273

PMU

VB/GT/SAR3/19/01/2018/2P/5C