

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 16.03.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N. PRAKASH**Cr1.O.P. (MD) No.2563 of 2017**

1.M.Meera Mohideen

2.M.Moideen Abdul Kadher Jailani

: Petitioners

Vs.

1.The Commissioner of Police,
Dindigul District, Dindigul.2.The Inspector of Police,
All Women Police Station,
Dindigul (Town),
Dindigul,
Dindigul District.

: Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the 2nd respondent not to harass the petitioners in the guise of investigation, except by due process of law.

For Petitioners

: Mr.M.Senthil Kumar

For Respondents

: Mr.K.Anbarasan

Government Advocate (Cr1. Side)

O R D E R

This petition has been filed seeking a direction to the 2nd respondent not to harass the petitioners in the guise of investigation, except by due process of law.

2.Heard Mr.M.Senthil Kumar, learned counsel appearing for the petitioners and Mr.K.Anbarasan, learned Government Advocate (Criminal side) appearing for the respondents.

3.On the complaint lodged by one Ayisha Banu W/o M.Moideen Abdul Kadher Jailani, the second petitioner herein, petition enquiry was conducted in C.No.105/AWPS/DGL/16 and during the petition enquiry the petitioners herein agreed to return the jewels and other articles to Ayisha Banu. On the strength of the undertaking given by the petitioners, the petition enquiry was closed on 13.11.2016. But the petitioners did not keep up with the



undertaking given to the police. Therefore, Ayisha Banu has once again approached the respondent for appropriate action against the petitioners. At this juncture the petitioners are before this Court with the above prayer.

4. Learned counsel appearing for the petitioners would submit that the second petitioner is Tailor by profession and if two months time is given he will settle the jewels and other articles to Ayisha Banu.

5. In view of the above, this Court directs the second respondent police to reopen the petition enquiry. The petitioners are directed to participate in the enquiry and during enquiry, they shall not be harassed. During the course of enquiry, if any cognizable offence is made out, the respondent police is free to register an FIR and this order shall not be a shield for the petitioners against arrest.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Dindigul District, Dindigul.

2. The Inspector of Police,
All Women Police Station,
Dindigul (Town),
Dindigul,
Dindigul District.

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

+1cc to M/s. M.SENTHIL KUMAR Advocate in SR. No.15548

sj

JS/RR/28.03.2017/2P-5C

Order made in
Cr1.O.P. (MD) No.2563 of 2017
16.03.2017