



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Crl.O.P. (MD) No.4136 of 2017

M.Ramachandran

... Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Madurai Town,
Madurai District.

... Respondent

PRAYER: The Criminal Original Petition is filed under section 482 of Criminal Procedure Code, to direct the respondent herein not to harass the petitioner in the name of enquiry without due process of law and pass such further or other orders.

For Petitioner : Mr.S.Ramasamy

For Respondent : Mr.P.Kandasamy, G.A. (Crl.side)

ORDER

This Criminal Original Petition has been filed praying to direct the respondent not to harass the petitioner under guise of enquiry without due process of law.

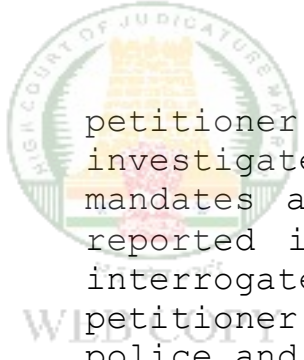
2.The learned counsel appearing for the petitioner is present. Mr.P.Kandasamy, learned Government Advocate (Criminal side) takes notice for the respondent.

3.Heard both sides.

4.The learned counsel appearing for the petitioner states that under the guise of enquiry, the respondent police is harassing the petitioner.

5.It is seen from the records that there is a matrimonial dispute between the petitioner and his wife and in this regard, a complaint was given against the petitioner before the respondent police and the same is pending for enquiry. During the enquiry, the petitioner has agreed to return the articles belonging to his wife.

6.Considering the facts and circumstances of this case, this court is inclined to direct the respondent not to harass the



petitioner under the guise of enquiry, but let the police investigate into the matter in accordance with law and the mandates as found set out in **D.K.Basu Vs. State of West Bengal** reported in **AIR (1997) SC 610**. If really, the police want to interrogate, it is open for the police to issue summons to the petitioner. Thereupon, the petitioner shall appear before the police and submit himself for interrogation.

7.The Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To,

1.The Inspector of Police,
All Women Police Station,
Madurai Town,
Madurai District.

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

+1 CC to M/s.S.RAMASAMY, Advocate, SR No. 51194

ER

PSM/MMS/05.05.2017/2P/4C

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