



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.04.2017

WEB COPY

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.4449 of 2017

1. V.G.Peratchi
2. Pitchammal
3. Krishnaveni

... Petitioners

-vs-

1. The Commissioner of Police,
Tirunelveli City.
2. The Superintendent of Police,
Tirunelveli District.
3. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli.
4. The Inspector of Police,
Thalayathu Police Station,
Tirunelveli District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 3rd and 4th respondents not to harass the petitioners in the guise of enquiry related to the criminal case alleged to have been registered on the file of 3rd respondent and 4th respondent against their brothers by name Iyyappan and Murugan and thus render justice.

For Petitioners : Mr.R.Krishnan
For Mr.K.Anand
For Respondents : Mr.K.Anbarasan
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed to direct the 3rd and 4th respondents not to harass the petitioners in the guise of enquiry related to the criminal case alleged to have been registered on the file of 3rd respondent and 4th respondent against their brothers by name Iyyappan and Murugan.

2. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl.Side) appearing for the State and perused the materials placed on record. Mr.M.Alagudurai, Special Sub-Inspector of Police, Thalayathu Police Station is present.



3. On instructions, the learned Government Advocate (Crl.Side) submitted that the brother of the petitioners by name Iyyappan @ Manikandan has a murder case in Crime No.159 of 2011 and after completing the investigation, the Police have filed a charge sheet in PRC No.21 of 2011 before the learned Judicial Magistrate No.III, Tirunelveli and the learned Magistrate has issued a Non Bailable Warrant for securing the presence of Iyyappan @ Manikandan, pursuant to which, the police had gone to the house of the petitioners in search of Iyyappan @ Manikandan.

4. Under such circumstances, this Court cannot pass a blanket order and it is the duty of the Police to look out for Iyyappan and secure him for production before the Committal Court. Therefore, 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 Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub-Assistant Registrar

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To:

1. The Commissioner of Police,
Tirunelveli City.
 2. The Superintendent of Police,
Tirunelveli District.
 3. The Inspector of Police,
Palayamkottai Police Station, Tirunelveli.
 4. The Inspector of Police,
Thalayathu Police Station, Tirunelveli District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1cc to M/S. R.KRISHNAN, ADVOCATE SR.NO. 52719
MKV SKN RSK SAR 2
18/04/2017
2P 7C

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