



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.9988 of 2017

P.Indhukumar

... Petitioner

-Vs-

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

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

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondent No.2 not to harass the petitioner in the name of enquiry.

For Petitioner : Mr.S.Malaikani
For Respondents : Mr.K.Anbarasan,
Government Advocate(Crl.side)

ORDER

This Criminal Original petition has been filed seeking a direction to the second respondent police not to harass the petitioner in the name of enquiry.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondents.

3.The learned counsel for the petitioner states that the petitioner belongs to Hindu Scheduled Caste Community and he is engaged as a daily wage worker. He further states that a case has been foisted against him by the second respondent police in order to help a rich business man with ulterior purpose. It was further stated that despite the petitioner's representation through his mother dated 03.07.2017, the petitioner was taken forcibly by the second respondent police and he was illegally detained. It is also the contention of the petitioner that the respondent has forcibly taken some valuable articles from the petitioner's house.



4.The grievance of the petitioner is that the respondents are threatening the petitioner to invoke Goondas Act, having regard to the nature of allegations made in the complaint.

5.The Government Advocate (Criminal Side), on instructions, submitted that several theft cases were registered against the petitioner and that therefore, except an enquiry in connection with those cases, no harassment was made by the respondent police.

6.When the petitioner is a habitual offender, there is a reasonable apprehension in the mind of respondent to trace him, whenever offences are committed and the conduct of the respondent cannot be blamed. The petitioner himself is responsible for creating such situation. Since the petitioner, is a notorious criminal involved in many cases , it is the duty of the police to protect the civil society. For that, the respondent cannot misuse their power by illegally detaining him and harassing him. The petitioner can also be called for enquiry, only after issuing summons prescribing date, time and in the manner known to law.

7.With the above observation, this Criminal Original petition is closed.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

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

+ 1 CC TO Mr.S.MALAIKANI, ADVOCATE IN SR No. 77893

IS/CMR
TE/SV-MMS/SAR-I : 26/09/2017 : 2P/5C