



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2018

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Cr1.O.P.(MD)No.10189 of 2018

P.Santhanasekar

... Petitioner

-vs-

1. The Superintendent of Police,
Thoothukudi District.

2. The Deputy Superintendent of Police,
Thoothukudi Town,
Thoothukudi District.

3. State represented by
the Inspector of Police,
South Police Station,
Thoothukudi.

4. The Inspector of Police,
Sipcot Police Station,
Thoothukudi.

5. The Inspector of Police,
Thalaimuthu Nagar Police Station,
Thoothukudi District.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of the Criminal Procedure Code to direct the respondents 2 to 5 herein not to harass the petitioner by searching the petitioner in his house in night hours in the name of enquiry without due process of law.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.K.Chellapandian,
Addl. Advocate General assisted by
Mr.K.K.Ramakrishnan

O R D E R

The Criminal Original Petition has been filed for a direction to direct the respondents 2 to 5 not to harass the petitioner by searching him in his house in night hours in the name of enquiry, without due process of law.



2. The learned counsel appearing for the petitioner would submit that on 22.05.2018, the petitioner participated in the procession in a silent manner without causing any violence, but the respondents 2 to 5 are searching the petitioner's house in night hours, though the petitioner is practicing as an advocate. Therefore, he made a representation to the Director General of Police, Chennai, on 17.06.2018, for taking necessary action against the respondents. But, so far no action has been taken against the respondents. Hence, the petitioner has filed the present Criminal Original Petition before this Court seeking the aforesaid prayer.

3. In response to the said submission, the learned Additional Advocate General appearing for the respondents would submit that the contentions of the petitioner are not correct and the petitioner is required for enquiry. Hence, the respondents police shall cause necessary notice as per law for enquiry. At the same time, if the petitioner is involved in any commission of offence, the respondents police shall proceed in the manner known to law.

4. The learned counsel appearing for the petitioner has also requested this Court to record the aforesaid submission of the learned Additional Advocate General and pass appropriate orders.

5. In the light of the above, the statement of the learned Additional Advocate General is recorded and if any enquiry is required to be conducted, the respondents police shall serve notice upon the petitioner and proceed in accordance with law. On the other hand, if the petitioner is involved in any commission of offence, it is open to the respondents to proceed as per the provisions of law.

6. This Criminal Original Petition is disposed of, with the above direction.

Sd/
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Thoothukudi District.

<https://hcservices.court.gov.in/>
2. The Superintendent of Police,
Thoothukudi Town,
Thoothukudi District.



3. The Inspector of Police,
South Police Station,
Thoothukudi.

4. The Inspector of Police,
Sipcot Police Station,
Thoothukudi.

5. The Inspector of Police,
Thalaimuthu Nagar Police Station,
Thoothukudi District.

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

+1cc to Mr.S.RAMASAMY, Advocate, SR.No. 69652

Cr1.O.P.(MD)No.10189 of 2018
25.06.2018

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KK/RSK/SAR-1/10.07.2018/3P-8C/