

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.32033 of 2019

1.Nasurulla
2.Regina Begam

...Petitioners

Vs

1. The Superintendent of Police,
Nagapattinam.
2.The Inspector of Police,
(Prevention of Land Grabbing Special
Branch)
Nagapattinam.

3.Mr.Mohammed Ali,

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the 2nd respondents from proceedings with any enquiry Under Section 160 of the Criminal Procedure Code, without resorting to due process of law.

For Petitioners : Mr.M.Govindaraju

For Respondents : Mr.C.Iyyapparaj
Additional Public Prosecutor
for R1 to R2

सत्यमेव जयते
O R D E R

The prayer sought for in the present writ petition cannot be entertained, since there cannot be a prayer forbearing the 2nd respondent from proceeding with any enquiry pursuant to the notice. Whenever a complaint is made to the Investigation Officer, there is a duty cast upon them to conduct enquiry on the same before taking any further course of action. While that being so, restraining them from proceeding further may not be proper.

2 The learned counsel for the petitioners submits that the complaint itself cannot be sustained and that the first petitioner is 70 years old and the second petitioner is a lady

and therefore, he apprehends that under the guise of enquiry, they would be subjected to harassment. Section 160 Cr.P.C., provides that no male person above the age of 65 years or woman shall be required to attend at any place other than the place in which such male person or woman resides.

3 By taking into account the submission made by the learned counsel for the petitioner's, the second respondent shall endeavour to conduct the enquiry at the first petitioner's residence and the second petitioner shall also be present in the first petitioner's residence. The second respondent shall endeavour to complete the enquiry atleast, within a period of eight weeks from the date of receipt of a copy of this order.

4 With the above observation, this Writ Petition stands disposed of. No costs.

sbn/vsn

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Nagapattinam.
- 2.The Inspector of Police,
(Prevention of Land Grabbing Special
Branch)
Nagapattinam.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.M.Govindaraju, Advocate, SR.No.97420
(dated : 22/11/2019)

W.P.No.32033 of 2019

Kak(21/11/2019)