



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

Crl.O.P.[MD]No.2929 of 2019

and

W.P.(MD)No.5893 of 2019

and

W.M.P.(MD)No.4716 of 2019

Crl.O.P.[MD]No.2929 of 2019:-

R.Akbar Ali

: Petitioner

Vs.

1.The Deputy Inspector General of Police,
Ramanathapuram Range, Kadamba Nagar,
Ramanathapuram District - 623 503.

2.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

3.The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

4.The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.

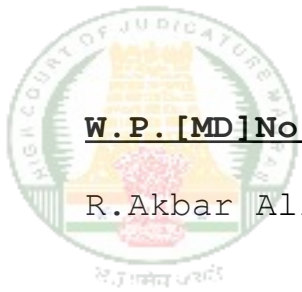
5.The sub-Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents 3 to 5 not to harass the petitioner and his family members under the guise of enquiry on the basis of the representation, dated 21.02.2019.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.V.Neelakandan, APP

**W.P. [MD] No.5893 of 2019:-**

R.Akbar Ali

: Petitioner

Vs.

WEB COPY

- 1.The Principal Secretary,
to the Government of Tamil Nadu,
Home Department,
Fort St.George,
Secretariat, Chennai - 9.
- 2.The Director General of Police,
Tamilnadu Police Head Quarters,
Dr.Rathakrishnan Salai,
Mylapore, Chennai - 600 004.
- 3.The Additional Director General of Police,
CBCID, SIDCO Electronics Complex,
Block No.3, 1st Floor,
Guindy Industrial Estate, Chennai - 32.
- 4.The Inspector General of Police,
South Zone, Race Course, Madurai -2.
- 5.The Deputy Inspector General of Police,
Ramanathapuram Range, Kadamba Nagar,
Ramanathapuram District - 623 503.
- 6.The Superintendent of Police,
Ramanathapuram, Kadampa nagar
Ramanathapuram District.
- 7.The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
- 8.Mr.Natarajan,
Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
- 9.The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.
- 10.The sub-Inspector of Police,
Adults Women Police Station,
Ramanathapuram,
Ramanathapuram District.



11.Tmt.Sahayarani

Sub-Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned Police summons issued by the 7th respondent under Section 160 of Cr.P.C., dated 04.03.2019 and 09.03.2019 and quash the same as illegal, arbitrary and against the constitution of mandate enshrined under Article 20(3) Constitution of India and consequently, to direct the respondents 7 to 11 herein not to compel the petitioner to produce Material Object alleged to be involved in the case in Cr.No.9 of 2018, dated 20.07.2018, registered by the 10th respondent police.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.S.S.Bharathi
Government Advocate (Crl.Side)

COMMON ORDER

The petitioner herein has come forward with the petition in Crl.O.P.(MD)No.2929 of 2019 seeking protection from the harassment of the fourth respondent.

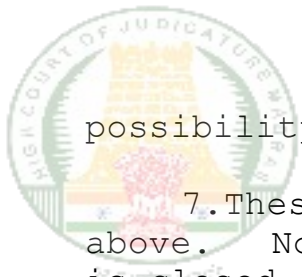
2.He has also filed W.P.(MD)No.5893 of 2019 for quashing the summon issued to him under Section 160 of Cr.P.C.

3.The petitioner has been arrayed as an accused in Cr.No.9 of 2018, which was registered for the offences punishable under Sections 363, 366, 506(2) of IPC and Sections 6, 5(g) and 5(l) of Protection of Child From Sexual Offences Act, 2012.

4.Heard the learned Counsel for the petitioner and the learned Government Advocate appearing for the respondent police.

5.So far as, Crl.O.P.(MD)No.2929 of 2019 is concerned, since a case has been registered, the Investigation Agency is directed to proceed with the investigation strictly in accordance with law.

6.So far as W.P.(MD)No.5893 of 2019 is concerned, the petitioner, who is an accused in the said case, was issued summon under Section 160 of Cr.P.C., since, it is Constitutionally impermissible to compel the accused to become a witness against himself, necessarily, the summon has to be quashed. The Investigation Officer is now directed to explore such legal



possibility to attain its end.

7. These petitions are disposed of, in the manner indicated above. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

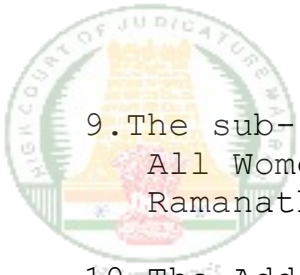
Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary,
to the Government of Tamil Nadu,
Home Department,
Fort St. George,
Secretariat, Chennai - 9.
2. The Director General of Police,
Tamilnadu Police Head Quarters,
Dr. Rathakrishnan Salai,
Mylapore, Chennai - 600 004.
3. The Additional Director General of Police,
CBCID, SIDCO Electronics Complex,
Block No. 3, 1st Floor,
Guindy Industrial Estate, Chennai - 32.
4. The Inspector General of Police,
South Zone, Race Course, Madurai - 2.
5. The Deputy Inspector General of Police,
Ramanathapuram Range, Kadampa Nagar,
Ramanathapuram District - 623 503.
6. The Superintendent of Police,
Ramanathapuram, Kadampa Nagar,
Ramanathapuram District.
7. The Deputy Superintendent of Police,
Ramanathapuram, Ramanathapuram District.
8. The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.



9.The sub-Inspector of Police,
All Women Police Station,
Ramanathapuram, Ramanathapuram District.

10.The Additionald Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

cmr

Crl.O.P.[MD]No.2929 of 2019
and
W.P.(MD)No.5893 of 2019
26.03.2019

KM/(15.04.2019) 5P 11C