



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE
Cr1.O.P.[MD]Nos.3456, 3463 of 2019

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1.R.Ponpandi
2.Annalakshmi
3.Dhanasekar
4.Nandini
5.Dhanapalan
6.Dhanaraja
7.Banupriya
8.Dhanamurugan
9.Uma

:Petitioners in Cr1.O.P.(MD)No.3456 of 2019

1.S.Rajeswari
2.Janaki
3.Vincent Vimalraj
4.Pushpa @ Pushpavathi
5.Rajkumar
6.Suresh

:Petitioners in Cr1.O.P.(MD)No.3456 of 2019
Vs.

The State rep. By

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

2.The Sub Inspector of Police,
Puthukottai Police Station,
Puthukottai,
Tuticorin District.

3.Suresh :Respondents in Cr1.O.P.(MD)No.3456 of 2019

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

2.The Sub Inspector of Police,
Sathirpatti Police Station, Sathirapatti,
Madurai District :Respondents in Cr1 OP(MD)No.3463 of 2019

COMMON PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent not to harass the petitioners in the guise of enquiry.



For Petitioners : Mr.J.Sivaram
For R-1 and R-2 : Mr.V.Neelakandan
Additional Public Prosecutor
(in both petitions)

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COMMON ORDER

The present petitions have been filed by the petitioners to direct the respondents not to harass the petitioners under the guise of enquiry.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the official respondents.

3. The learned counsel appearing for the petitioner submitted that there are criminal cases against one Suresh the private respondent in CrI.O.P.(MD)No.3456 of 2019 and in connection there of the petitioners they were all taken illegal custody and were denied custody of the three year old child of Suresh. When the matter came up before this Court on the last occasion on 05.03.2019, the learned Additional Public Prosecutor made a statement that the aforesaid Suresh is a criminal and it is only to delay the course of judicial process, these allegations are made.

4. After recording those submissions, this Court still directed the learned Additional Public Prosecutor to require the Deputy Superintendent of Police, to enquire into the matter and file a report if the girl child of Suresh is in the custody of the second respondent.

5. Today, the Deputy Superintendent of Police has made available his status report. In paragraph 4 of his report, he narrates as under:-

"4. It is submitted that a cursory glance of the cause list, it is seen that one Suresh was arrayed as 6th petitioner. He is a notorious and unique crime accused noted for 'house-breaking during day' having more than 60 cases in all over Tamil Nadu. Recently he was arrayed as accused in Crime No.293 of 2018 on the file of Silaiman Police Station. On covering CCTV footage with CCTNS network, on prima-facie establishing the role of the said Suresh, Special team was constituted by the Superintendent of Police, Madurai District to nab him and as such the special team is on the move to secure him and only with a view to prevent the respondent police from securing him the present petition with confusing facts is filed. In fact I have instructed the Silaiman Police to take steps to secure the accused and to produce him before this Court."

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6. Inasmuch as the statement is made by Deputy Superintendent



of Police that the child is not taken custody, the petitioner is now directed to move such appropriate forum seeking such remedy to have the child be present before it.

7. In the meantime, this Court also directs that unless any of the petitioners in this petition required to be interrogated or enquired in connection with any criminal case, they shall not be harassed. It is also added that any such interrogation may be made on summons.

8. With the above direction, these criminal original petitions are disposed of.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Tuticorin District.
- 2.The Sub Inspector of Police,
Puthukottai Police Station,
Puthukottai,
Tuticorin District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police, Madurai District.
- 4.The Sub Inspector of Police,
Sathirpatti Police Station, Sathirapatti,
Madurai District
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2cc to Mr.J.Sivaram, Advocate, SR.No.51843,51842

Cr1.O.P.[MD]Nos.3456, 3463 of 2019

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