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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.[MD]No.4555 of 2019

Kasthuri : Petitioner

Vs.

1.The Superintendent of Police,
Pudukottai District, Pudukottai.

2.The Inspector of Police,
Annavasal Police Station,
Pudukottai District.

3.The Inspector of Police,
Karaiyar Police Station,
Pudukottai District. : Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd and the 3rd respondents not to harass the petitioner.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 2nd and the 3rd respondents not to harass the petitioner.

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

3.The learned counsel for the petitioner submitted that the petitioner complains that she has been facing harassment from the respondents 2 and 3 incessantly. She complains that the police make nocturnal visits to her house and have even snatched her cell phone and walked away. He further submits that the petitioner's husband was involved in C.C.No.63 of 2014 on the file of the learned Judicial Magistrate, Thirumayam, and a Non-Bailable Warrant has been issued as he is absconding. The petitioner is not heard of him for quite sometime.

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4.The learned Additional Public Prosecutor appearing for the respondents submitted that the respondent police have neither harassed the petitioner nor intended to harass him. The statement of the learned Additional Public Prosecutor is recorded.

5.It is made clear that unless there is any tip that the petitioner is harbouring a wanted criminal, the police have no business to make nocturnal visits to harass innocent citizen, but that depends on the scope of materials, which the police might gather before making such surprise visits in the nights. On the other side, if the second or the third respondent wants to interrogate the petitioner or any of her family members as to the whereabouts of her husband, that should be done without offending dignity which the innocent citizens are entitled to. This Court now directs in case such interrogation is contemplated, the same shall be done only on summons under Section 41 A Cr.P.C., mentioning a specific date and time for enquiry and also giving reasonable time for him to travel to the venue of such enquiry. The petitioner is also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioner.

6.Accordingly, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
Pudukottai District, Pudukottai.

2.The Inspector of Police,
Annavasal Police Station,
Pudukottai District.

3.The Inspector of Police,
Karaiyar Police Station,
Pudukottai District.

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

+1 CC TO Mr.M.SILAMBARASAN,ADVOCATE IN SR No.57029

Crl.O.P.[MD]No.4555 of 2019
27.03.2019

SM

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PK/02.05.2019 : 2P/6C