



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2019

CORAM:

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

Crl.O.P. (MD) No. 4940 of 2019

WEB COPY

M.Manikandan

... Petitioner

/Vs./

1.State represented by
The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Kariyapatty Police Station,
Virudhunagar District.

3.The Sub-Inspector of Police,
Aviyur Police Station,
Virudhunagar District.

4.Singh, Sub-Inspector of Police,
Aviyur Police Station,
Virudhunagar District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to direct the 4th respondent herein who is working as the 3rd respondent and his subordinates not to harass the petitioner without following the due process of law and to take action against him on the basis of the petitioner's representation made before the first respondent herein by RPAD dated 22.03.2019.

For Petitioner

: Mr.B.Brijesh Kishore

For R-1 to R-3

: Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 4th respondent herein who is working as the 3rd respondent and his subordinates not to harass the petitioner without following the due process of law and to take action against him on the basis of the petitioner's representation made before the first respondent herein by RPAD dated 22.03.2019.

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

3. The learned counsel appearing for the petitioner submitted that the petitioner is being harassed by the fourth respondent, who now holds the post of the Sub-Inspector of Police in the third



respondent police station.

4. The learned Additional Public Prosecutor submits that one Rani Ammal, sister of the petitioner, had preferred a complaint that the petitioner has cheated her of money on promise of securing her a job and the complaint is being enquired into. The respondent police have neither harassed the petitioner nor intended to harass him.

5. The said statement of the learned Additional Public Prosecutor is recorded. This Court now directs the respondent police that if the complaint discloses *prima facie* commission of any cognizable offence, necessarily the investigating Agency should follow the principles in the judgment reported in **2013 (6) CTC 353 [Lalitha Kumari Vs. Government of Uttar Pradesh]** case. If on the other hand the second respondent considers that it is necessary to hold any preliminary enquiry / interrogation, 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 (AS)

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Sub Assistant Registrar(CS)

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To

1.The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Kariyapatty Police Station, Virudhunagar District.

3.The Sub-Inspector of Police,
Aviyur Police Station, Virudhunagar District.

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

1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-58527[F])

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