



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2019

CORAM

WEB COPY

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P(MD) .No.4942 of 2019

T.Kodharagavi

.. Petitioner

Vs

1. The Superintendent of Police,
Tuticorin District,
Tuticorin.
2. The Inspector of police,
Vigilance and Anti Corruption Wing,
Tuticorin.
3. Mahalingam

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent not to harass the petitioner and her family members without any legally sustainable complaint.

For Petitioner : Mr.C.K.Nagappan
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side) for R1 & R2

O R D E R

This petition has been filed to direct the second respondent not to harass the petitioner and her family members.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents 1 & 2 and perused the materials placed on record.

3. When the matter is taken up for hearing, the learned Government Advocate (Crl.Side) represented that the petitioner's father is an accused in Crime No.11 of 2005 and after the investigation, charge sheet has been filed in Spl.C.C.No.7 of 2007 before the learned Chief Judicial Magistrate, Tuticorin District and the petitioner's father was convicted by the Court below on 25.10.2018. At this juncture, the petitioner's father has preferred an appeal before this Court in Crl.A(MD)No.522 of 2018. This Court has issued a non bailable warrant against the petitioner's father on



24.01.2019. Hence, the petitioner's father has filed a recall petition in Crl.M.P.No.1607 of 2019 and the same is pending before this Court. While that being so, the petitioner and her family members are being harassed by the respondent police under the impression of searching her father. Hence, she is approached this Court with the present petition.

4. Under such circumstance, once non bailable warrant was issued against the petitioner's father, the question of 'not to harass' will not arise, because the expression 'harassment' is so subjective that it cannot be encapsulated in an objective criterion.

5. However, it is open to the respondent police to execute the non bailable warrant issued against the petitioner's father and not to harass the family members of the petitioner. However, this order will not stand on the respondent police to execute warrant, if any useful information available from the family members, then the respondent shall conduct enquiry in the manner known to law.

6. Hence, this petition is dismissed.

Sd/-

Assistant Registrar(CS II)

// True Copy //

Sub Assistant Registrar(CS)

dss

To

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

2. The Inspector of police,
Vigilance and Anti Corruption Wing, Tuticorin.

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

+1 CC to M/s.C.K.NAGAPPAN, Advocate (SR-58291[F] dated 02/04/2019)

Crl.O.P.No.4942 of 2019
02.04.2019

DS/ /SAR- (29.04.2019) 2P 5C