



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2019**

CORAM:

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

CrI.O.P.[MD].No.6013 of 2019

1.J.Sokkathai

2.Priya

: Petitioners

/Vs./

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Virudhunagar District.

2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Rajapalayam, Virudhunagar District.

3.The Inspector of Police,
South Police Station, Virudhunagar District.

4.The Inspector of Police,
North Police Station, Virudhunagar District.

5.K.P.R.Raja @ Kuwait Raja

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents not to harass the petitioners without any legally sustainable complaint and to direct the Respondents to follow the guideline issued by the Honourable Supreme Court in D.K.Basu (1997 1 SCC 416) case in matters pertaining to arrest or interrogation.

For Petitioners : Mr.T.Lajapathi Roy

For R-1 to R-4 : Mr.V.Neelakandan
Additional Public Prosecutor

For R-5 : Mr.M.Gnanagurunathan

ORDER

The petitioners who claim over the property, face harassment at the hands of the respondents 3 and 4 at the instigation of the fifth respondent who is alleged to have been angling the properties of the petitioner.



2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the fifth respondent and the learned Additional Public Prosecutor.

3. The learned Additional Public Prosecutor submitted that both the petitioners have been arrayed as accused in a case involving the death of the first petitioner's husband, that the case was originally registered as one under Section 174 Cr.P.C., but, it was later altered to Section 302 IPC. He added that both the petitioners have also been arrayed as accused in a case in Crime No.99 of 2019 for the offences under Sections 294 (b), 341, 323 and 506(i) IPC and Section 3(1)(r) of the SC/ST (POA) Act. He also added that the fifth respondent has not preferred any complaint whatsoever and there is no harassment at all.

4. The learned counsel appearing for the fifth respondent submitted that the fifth respondent is noway connected with the petitioners and his name is unnecessarily dragged for the purpose best known to the petitioners.

5. The statement of the learned Additional Public Prosecutor are recorded. So far as the pending criminal case against the petitioners is concerned, the Investigating Officer is directed to investigate the same strictly in accordance with law. At no point of time, the Investigating Agency shall resort to any extra legal means.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

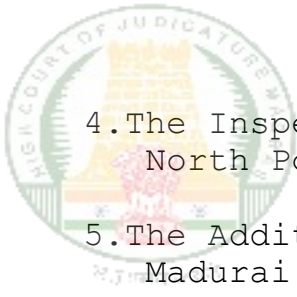
sm

To

1.The Superintendent of Police,
O/o.The Superintendent of Police, Virudhunagar District.

2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Rajapalayam, Virudhunagar District.

3.The Inspector of Police,
South Police Station, Virudhunagar District.



4.The Inspector of Police,
North Police Station, Virudhunagar District.

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

+1 CC to Mr.M.GNANAGURUNATHAN, Advocate SR-62493.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate SR-63278.

Crl.O.P.[MD]No.6013 of 2019
25.04.2019

CS: (12/06/2019) 5P 8C