



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **07.02.2020**
CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P. (MD)No.753 of 2020
and
CrI.M.P. (MD)No.316 of 2020

1.M.Mahin
2.Sheik Shameem
3.Abdul Basith
4.Mohammed Ali Jinnah

... Petitioners

Vs

1.The Director of General of Police,
Office of the Director General of Police,
No.1, Dr.Radhakirshna Salai,
Mylapore, Chennai-600 004.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Nagercoil, Kanyakumari District.

3.The Deputy Superintendent of Police,
Nagercoil Zone, Nagercoil,
Kanyakumari District.

4.The Inspector of Police,
Kottar Police Station,
Nagercoil, Kanyakumari District.

5.The Sub-Inspector of Police,
Kottar Police Station,
Nagercoil, Kanyakumari District.

... Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 4 and 5 not to harass the petitioner without any legally sustainable complaint and to direct the respondents to follow the guideline issued by the Hon'ble 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 Respondents : Mr.S.Chandarasekar
Additional Public Prosecutor



ORDER

This petition has been filed seeking for a direction to the respondents 4 and 5 not to harass the petitioner without any legally sustainable complaint and to direct the respondents to follow the guideline issued by the Hon'ble Supreme Court in D.K.Basu (1997 1 SCC 416) case in matters pertaining to arrest or interrogation.

2.The learned counsel appearing for the petitioners would submit that the petitioners are unnecessarily harassed under the guise of enquiry.

3.The learned Addiitonal Public Prosecutor would submit that the petitioners are history sheeters in Kottar Police Station and as per the first petitioner is concerned in H.S.No.29 of 2015, the second petitioner is concerned in H.S.No.18 of 2015, the third petitioner is concerned in H.S.No.4 of 2019 and the fourth petitioner is concerned only an accused in Crime No.144 of 2019. He would further submit that the respondents have summoned the petitioners only in respect of the enquiry with regard to the petitioners' cases against them.

4.At this juncture, the learned counsel for the petitioners would submit that under the guise of enquiry, the petitioners shall not be unnecessarily harassed and any enquiry can be initiated in accordance with law.

5.In view of the above, the respondents shall issue notice under Section 41 A of Cr.P.C. to the petitioners and the petitioners shall take steps against them in accordance with law.

6.Accordingly, the Criminal Original Petition stands closed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1.The Director of General of Police,
Office of the Director General of Police,
No.1, Dr.Radhakirshna Salai,
Mylapore, Chennai-600 004.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Superintendent of Police,
Office of the Superintendent of Police,
Nagercoil, Kanyakumari District.

3.The Deputy Superintendent of Police,
Nagercoil Zone, Nagercoil,
Kanyakumari District.

4.The Inspector of Police,
Kottar Police Station,
Nagercoil, Kanyakumari District.

5. The Sub-Inspector of Police,
Kottar Police Station,
Nagercoil, Kanyakumari District.

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

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-5446[F] dated
10/02/2020)

Crl.O.P. (MD)No.753 of 2020
07.02.2020

MK (09.03.2020) 3P 8C