



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.5826 of 2020

WEB COPY

Anish @ Velmurugan

...Petitioner

Vs

1.The Superintendent of Police,
Kanyakumari District.

2.The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District.

...Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the respondent not to harass the petitioner based on the enquiry.

For Petitioner	: Mr.P.T.Ramesh Raja
For Respondent	: Mr.K.K.Ramakrishnan,
Nos.1&2	Additional Public Prosecutor

ORDER

This petition is filed to direct the respondent not to harass the petitioner based in the guise of enquiry.

2.The respondent police is harassing the petitioner in connection with Crime No.320 of 2020, on the file of the the Inspector of Police, Aralvaimozhi Police Station, Kanyakumari District and the case is registered as against three named persons. The name of this petitioner does not find place in the Crime No.320 of 2020. Despite the same, the respondent Police are attempting to fix this petitioner also as an accused in the said case.

3.The learned Additional Public Prosecutor appearing for the respondent Police submits that the investigation reveals that the petitioner is also having a role in Crime No.320 of 2020 and therefore, he has been added as accused No.4 in the said case. An accused in a criminal case is not entitled to get a relief for a direction to not to harass, when the investigation is going on.

4.The learned counsel appearing for the petitioner submits that at the time of occurrence, he was at a different place in an ATM Centre, which could be established through the video footage of the ATM centre and that he was not present at the place of occurrence. Moreover, his name is also not mentioned in the FIR.



5.Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the State.

6.Since a specific stand has been taken by the learned Additional Public Prosecutor that this petitioner is also added as accused in crime No.320 of 2020, this Court is not inclined to issue a direction to the respondent police as prayed for by the petitioner.

7.However, considering the plea of alibi raised by the petitioner that at the time of occurrence, he was in an ATM Centre and this fact is also supported by the video footage, which is available in the said ATM Centre, the concerned investigating officer shall also look into it, before concluding the investigation. The petitioner shall work out his remedy by filing necessary application to avoid his arrest.

8.Accordingly,this criminal original petition is disposed of.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg/dsk

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Kanyakumari District.
- 2.The Inspector of Police,
Aralvaimozhi Police Station,Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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AP(18/06/2020) 2P 4C

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