



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.07.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)No.7201 of 2020

C.Sathishkumar

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyuakumari District,
Nagercoil.

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

... Respondents

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent not to harass the petitioner in any manner in the guise of enquiry.

For Petitioner : Mr.G.Aravinthan

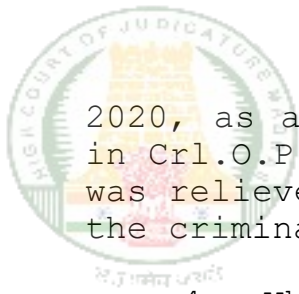
For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed, seeking for a direction, directing the 2nd respondent not to harass the petitioner in any manner, under the guise of enquiry.

2. The case of the petitioner is that he is the Scout Master in Thuckalay Police Boys Club. One Jass S/o. George, who is the close relative of one Gnana Reji, who is the Special C.I.D Head Constable and one Devadass, who is also a Special C.I.D Head Constable, taking advantage of their position, the said George without getting the Government approval, had illegally took the mines by using the JCB at night hours. The said act of the George was questioned by the Village people and ultimately, the Revenue Officials, upon the pressure made by the local people and other social activators, initiated action against the said Jass.

3. In the meantime, the above referred Special CID constables and the said Jass had thought that the petitioner have created the problem and thereby, they roped the petitioner in Crime No.63 of



2020, as accused. However, the said case was closed by this Court in Crl.O.P.(MD)No.2022 and 2023 of 2020. Thereafter, the petitioner was relieved from the job, without getting any explanation by citing the criminal case.

4. While that being so, on 17.05.2020, one Saranya from Thuckalay was admitted in Kanyakumari Medical College Hospital for taking treatment to COVID-19. The constables attached to the special CID got the picture of the said Saranya and posted in the social media with an intention to harass her. The petitioner had received the said news from other people and forwarded the same through Whatsapp for which, he was roped in an another false case, in Crime No.638 of 2020, for the alleged offence under Section 505 (1)(a) of IPC., and Section 67 of Information Technology Act, 2000, on the file of Thuckalay Police Station. In this juncture, the above referred Special CID Constables and the said George, by misusing their powers, threatened the petitioner, under the guise of enquiry.

5. The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that as of now, after completion of the enquiry, a case has been registered against the petitioner in Crime No.638 of 2020, for the offence under Section 505(1) of IPC and Section 67 of Information Technology Act, 2020. According to him, the investigation is in progress.

6. Now, considering the rival submissions made by either side, it is not in dispute that once the regular FIR is registered against the petitioner, the question of not to harass will not arise. Any direction issued by this Court, at this juncture, will amount to interfere with the investigation conducted by the respondent. Hence, this Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

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,
Nagercoil.
- 2.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SPU(27.07.2020)3P 4C