



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

Crl.O.P. (MD)No.8149 of 2020

M.Karthikeyan

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.

2.The Deputy Superintendent of Police,
Thiruvadaimarudur, Kumbakonam Taluk,
Thanjavur District.

3.The Inspector of Police,
Nachiar Kovil Police Station,
Kumbakonam, Thanjavur District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the third respondent herein not to harass the petitioner and his family members, except under due process of law.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking a direction to direct the third respondent not to harass the petitioner in the guise of enquiry.

2.Today, when the petition is came up for hearing, the learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner is a history sheeter in H.S.No.492 of 2016, which is maintained by the third respondent. He would further submit that the petitioner is a habitual offender and he is having following previous cases on the file of the third respondent police:-

1.Crime No.295 of 2014 registered for the offence punishable under Sections 147, 148, 294(b), 324, 307 IPC

and Section 3 of TNPPDL Act.



2.Crime No.448 of 2016 registered for the offence punishable under Sections 147, 148, 341 and 302 IPC r/w Section 3(1) of TNPPDL Act.

3.Crime No.318 of 2017 registered for the offence punishable under Section 399 IPC.

4.Crime No.208 of 2019 registered for the offence punishable under Section 3(A) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

3.In such circumstances, exercising power under Section 482 Cr.P.C., is not proper one. Further, being a habitual offender, the petitioner has to appear before the third respondent police, whenever required. Hence, question of 'not to harass' does not arise. If any direction is issued by this Court, at this stage, it will amount to interference in maintaining law and order by the respondent police. Therefore, for the reasons stated above, this criminal original petition is dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

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Sub Assistant Registrar(CS)

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,
Office of the Superintendent of Police, Thanjavur District.
- 2.The Deputy Superintendent of Police,
Thiruvadaimarudur, Kumbakonam Taluk, Thanjavur District.
- 3.The Inspector of Police,
Nachiar Kovil Police Station, Kumbakonam, Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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<https://hccs.courts.gov.in/Case/2P-5C>