



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. (MD)No.9462 of 2020

V.Ravikumar

... Petitioner

Vs.

1.State represented by
The Superintendent of Police,
Madurai District, Surveyor Colony, Madurai-7.

2.The Inspector of Police,
District Crime Branch,
Madurai District, Surveyor Colony,
Madurai-7.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent and his officials not to harass the petitioner and his family members unnecessarily against law under the guise of enquiry.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.R.Erottuchamy

Government Advocate (Criminal side)

O R D E R

This Criminal Original Petition has been filed seeking a direction to direct the second respondent and his officials not to harass the petitioner and his family members under the guise of enquiry

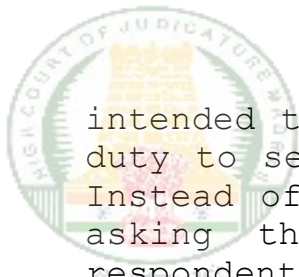
2. Today when the petition is came up for hearing, the learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 would submit that in respect of Crime No.24 of 2020 registered for the offences punishable under Sections 465, 467, 468, 471, 419, 420 and 120B of I.P.C., pending on the file of the second respondent herein, the second respondent during the course of investigation, wanted to enquire the petitioner. In this regard, instead of complying the request made by the second respondent, the petitioner herein approached this Court by way of filing this application. However, he fairly conceded that before calling for the petitioner, no summons was issued by the second respondent.

3. The above said submission made by the learned Additional Public Prosecutor is recorded.

4. Upon considering the facts and circumstances of the case, it reveals the fact that the petitioner herein is not an accused and also not a witness in respect of Crime No.24 of 2020

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

Therefore, if the Investigation Officer is



intended to examine the petitioner as a witness, he is having the duty to send summons by following the Code of Criminal Procedure. Instead of following the procedure as contemplated under Cr.P.C., asking the petitioner directly to appear before the second respondent for an enquiry is against the principle of law, as already settled by this Court. Therefore, the second respondent is directed to issue summons to the petitioner and on receipt of such summons, only thereafter, he has to direct the petitioner for his appearance. In otherwise, the efforts made by the second respondent for the appearance of the petitioner is not in accordance with law.

5. With the above observations and directions, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TSG

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,
Madurai District, Surveyor Colony,
Madurai-7.
- 2.The Inspector of Police,
District Crime Branch,
Madurai District, Surveyor Colony,
Madurai-7.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in
Crl.O.P. (MD) No.9462 of 2020
dated :
08.09.2020

KM (17.09.2020) 2P 4C