



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **18.09.2020**
CORAM:

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

Cr1.O.P.[MD]No.9836 of 2020

- 1.Kennedy Raja
- 2.Jonish Gladson
- 3.Godwin Jesudossan
- 4.Jenish Varshini

... Petitioners

Vs.

- 1.The Superintendent of Police,
Kanyakumari District.
- 2.The Inspector of Police,
Kadayalmoodu Police Station
(Arumanai Circle), Kanyakumari District.
- 3.The Sub-Inspector of Police,
Kadayalmoodu Police Station,
Kanyakumari District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 2 and 3 to harass the petitioners and their family members in the guise of enquiry.

For Petitioner : Mr.M.M.Manivelpandian

For Respondents : Mr.C.M.Ganesan

Government Advocate (Criminal side)

ORDER

This criminal original petition has been filed seeking a direction to direct the respondents 2 and 3 not to harass the petitioners and their family members under the guise of enquiry.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal side) appearing for the respondents.

3.Today, when the petition is taken up for hearing, the learned Government Advocate (Criminal side), appearing for the respondents, on instructions, would submit that on the file of the second respondent Police, in respect of Crime No.108 of 2020, a case has been registered for the offence punishable under Sections 294(b), 506(i), 419, 420, 304 of I.P.C. and Section 15 (3) of Indian Medical



Council Act, 1956. In the above said case, the petitioners herein, are all cited as witnesses and therefore, only for the purpose of recording the statements from the petitioners, the second respondent Police herein invited them to the Police Station.

4. In this regard, this Court is of the opinion that though the petitioners are the witnesses to the alleged occurrence, it is the duty of the second respondent to issue summons to the petitioners by following the Code of Criminal Procedure and direct them to appear before him by mentioning the date, time and place. Without issuing summons to the petitioners, harassing them under the guise of enquiry, is improper. Therefore, the second respondent is directed to send summons to the petitioners by mentioning the date, time and place and made investigation.

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

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,
Kanyakumari District.
2. The Inspector of Police,
Kadayalmoodu Police Station
(Arumanai Circle), Kanyakumari District.
3. The Sub-Inspector of Police,
Kadayalmoodu Police Station, Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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tsg

SDS (05.10.2020) 2P-5C
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