



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.11765 of 2020

P.Kannan

:Petitioner

Vs.

State represented through

1. The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.

:Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., directing the second respondent not to harass the petitioner to furnish sureties in connection with the criminal proceedings initiated under Section 110 of Cr.P.C, if any and also not to harass the petitioner to be booked him under false cases.

For Petitioner : Mr.K.Alagumalai
For Respondent : Mr.V.Neelakandan
Additional Public Prosecutor.

ORDER

This petition has been filed to direct the respondent not to harass the petitioner to furnish sureties in connection with the criminal proceedings initiated under Section 110 of Cr.P.C, if any

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Criminal Side) for the official respondents.

3.The learned counsel for the petitioner would submit that some criminal cases are filed against the petitioner on the file of the second respondent. All the cases are disposed of by imposing fine by the concerned Judicial Magistrate Court. Now the second respondent is forcing this petitioner to furnish sureties in connection with a proceeding initiated under Section 110 of Cr.P.C, before the learned Executive Magistrate cum the Deputy Commissioner of Police, Law & order, Madurai city and also threatening the petitioner, if he fails to produce such surety, false case will be foisted against the petitioner. Hence, the petitioner has sent a representation to the 1st respondent and the learned Executive cum Deputy Commissioner of Polcie(Law & Order), Madurai City through registered post on 15.10.2020. Even then, the second respondent and his officials are harassing the petitioner. Hence, this petition.



4. When the petition is taken up for hearing, the learned Additional Public Prosecutor, on instructions, would submit that there is an enquiry pending against the petitioner.

5. Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the respondents to follow the principles laid down by the Hon'ble Apex Court in **D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610** while enquiring the petitioner.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Vrn

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 Commissioner of Police,
Madurai City,
Madurai.
2. The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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VB (23.11.2020) 2P 4C