



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2020

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

Crl.O.P. (MD) No.12289 of 2020

WEB COPY

Andrews

... Petitioner

Vs.

1.The Superintendent of Police,  
Thoothukudi District,  
Thoothukudi.

2.The Inspector of Police,  
District Crime Branch,  
Thoothukudi

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent not to harass the petitioner without following the due process of law.

For Petitioner : Mr.K.Sathish Kumar  
For R1 & R2 : Mr.V.Neelakandan  
Additional Public Prosecutor.

**ORDER**

This petition has been filed to direct the second respondent not to harass the petitioner without following the due process of law.

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

3.The learned counsel for the petitioner would submit that the petitioner was M.A.Graduate and is doing agricultural work. He is also doing part time typewriting work near Sathankulam Sub Registrar Office. As asked by one Advocate Kartheesan, he has typed a Gift Deed. Thereafter, the petitioner was summoned by the respondent police for enquiry. During enquiry, the petitioner came to know that one Mallika has filed a writ petition before this Court with respect to the forged document. Further, he was informed that a case has been registered against Mallika and four other persons in Crime No.16 of 2020. The second respondent police officials asking a statement from the petitioner as to the accused persons in the above said case have created forged documents in front of the petitioner. When he refused to give such statement, the respondent police is harassing the petitioner unnecessarily.

Hence, this petition.

<https://hcservices.ecourts.gov.in/hcservices/> 4.When the petition is taken up for hearing, the learned Additional Public Prosecutor, would submit that summons was issued to the petitioner on 18.10.2020. Only for conducting enquiry, the



petitioner was called for and no such harassment as contended by 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, if necessary. The respondent police is directed not to harass the petitioner unnecessarily.

Sd/-

Assistant Registrar (CS-III)

// 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 Superintendent of Police,  
Thoothukudi District,  
Thoothukudi.
- 2.The Inspector of Police,  
District Crime Branch,  
Thoothukudi
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

**Crl.O.P. (MD) No.12289 of 2020**

**03.11.2020**

**VR(CO)**

**AP(23/11/2020) 2P 4C**