



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD) No.13320 of 2020

Safi Mohamed : Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Nanguneri Circle, Nanguneri,
Tirunelveli District.

3.The Inspector of Police,
Kalakkad Police Station,
Kalakkad, Tirunelveli District.: Respondents 1 to 3

4.Suja : 4th Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.R.M.Suresh

For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor,
for R1 to R3.

ORDER

This Criminal Original Petition has been filed to direct the respondents 1 to 3 not to harass the petitioner under the guise of enquiry.

2. The learned counsel appearing for the petitioner reiterated the contentions set out in the affidavit. He further submitted that there was some dispute between the petitioner and the fourth respondent. In this regard, the fourth respondent lodged a complaint before the first respondent as against the petitioner. Due to which, the respondents 1 and 2 harassed the petitioner under the guise of enquiry. Hence, the petitioner filed this present petition.



3.The learned Additional Public Prosecutor appearing for the official respondents, on instructions, would submit that the petitioner was called for an enquiry only and the respondent police has not harassed the petitioner. He further submitted that before enquiry, summon will be issued to the petitioner.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the official respondents.

5.Whatever might be the circumstances, the respondent police investigate into the matter in accordance with law and the mandates as found set out in **D.K.Basu Vs.State of West Bengal reported in AIR (1997) SC 610**. If really, the police want to interrogate, it is open for the police to issue summons to the petitioner. Thereupon, the petitioner shall appear before the police and submit himself for interrogation.

6.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

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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,
Tirunelveli District, Tirunelveli.
- 2.The Deputy Superintendent of Police,
Nanguneri Circle, Nanguneri,
Tirunelveli District.
- 3.The Inspector of Police,
Kalakkad Police Station,
Kalakkad, Tirunelveli District.

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



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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VB (04.12.2020) 3P 5C