



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CrI.O.P (MD) No.13628 of 2020

Prasana

... Petitioner

Vs.

1.The Superintendent of Police
Sivagangai District
Sivagangai

2.The Deputy Superintendent of Police
Sivagangai District
Sivagangai

3.The Inspector of Police
All Women Police Station
Karaikudi
Sivagangai District
(Crime No.not known of 2020)

4.Annalakshmi

... Respondents

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent and their subordinates not to harass and not to ill-treat the petitioner on the guise of enquiry at the instance of 4th respondent.

For Petitioner	: Mr.R.Venkatesan
For R1 to R3	: Mr.V.Neelakandan Additional Public Prosecutor
For R4	: Mr.Arun Swaminathan

O R D E R

This petition has been filed to direct the first respondent and their subordinates not to harass and not to ill-treat the petitioner on the guise of enquiry at the instance of 4th respondent.

2.The petitioner and the fourth respondent are husband and wife. Due to matrimonial dispute, the fourth respondent lodged a complaint against the petitioner. Based on the complaint, the respondent police is harassing the petitioner under the guise of



enquiry. Hence, the present petition.

3. The learned Additional Public Prosecutor, appearing for the respondents 1 to 3, on instructions, would submit that it is a matrimonial dispute between the petitioner and the fourth respondent. Based on the complaint given by the fourth respondent, the respondent police called the petitioner for enquiry and the petitioner appeared for enquiry on 11.10.2020 and gave an undertaking that he would appear on 18.10.2020 for enquiry, but, he did not appear. The petitioner was called for an enquiry only and the respondent police is not harassing the petitioner.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

5. Whatever might be the circumstances, the respondent police are directed 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.

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

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
Sivagangai District
Sivagangai

2. The Deputy Superintendent of Police
Sivagangai District
Sivagangai



3. The Inspector of Police
All Women Police Station
Karaikudi
Sivagangai District

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

Crl.O.P (MD) No.13628 of 2020
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SE (CO)
TR(10.12.2020) 3P 5C