



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P(MD)No.14346 of 2020

Vinodh Kumar

... Petitioner

vs.

1)The Deputy Superintendent of Police,
Theni,
Theni District.

2)The Inspector of Police,
Theni Town Police Station,
Theni District.

3)Vijay

4)Mega

... Respondents

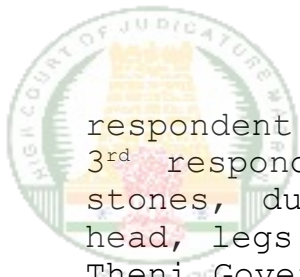
PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 2nd respondent police not to harass the petitioner and his family members in the guise of enquiry based on the complaint of the 4th respondent.

For Petitioner : Mr.M.S.Jeyakarthik
For R1 & R2 : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 2nd respondent police not to harass the petitioner and his family members in the guise of enquiry based on the complaint of the 4th respondent.

2.The learned counsel for the petitioner would state that the 3rd respondent is working as a Police Constable and he is residing adjacent to the petitioner's house and the family members of the 3rd respondent attempted to encroach the public pathway and therefore, the petitioner made a complaint in this regard and thereafter, again in 2015, there was a quarrel between the petitioner's parents and the 3rd respondent's family and the petitioner's mother lodged a complaint on 06.08.2015 before the 1st respondent against the 3rd respondent's family members. While so, on 19.11.2020, the 3rd



respondent and his parents developed quarrel and consequently, the 3rd respondent and his parents attacked the petitioner by using stones, due to which, the petitioner sustained grave injuries in head, legs and all over the body and immediately, he was admitted in Theni Government Medical College Hospital and he sent intimation to the 2nd respondent police through the hospital authorities on 19.11.2020, but due to the influence of the 3rd respondent, no police official came to the hospital to receive the petitioner's complaint. Therefore, the petitioner's mother lodged a complaint before the 2nd respondent and till date, no action has been taken and as per the instruction of the 3rd respondent, his wife/4th respondent lodged a false complaint against the petitioner before the 2nd respondent/police. It is the grievance of the petitioner though his mother's complaint as well as the 4th respondent's complaint are pending on the file of the 2nd respondent, the 2nd respondent chose to act only on the complaint of the 4th respondent and started harassing the petitioner and his family members indiscriminately under the guise of enquiry and the petitioner's mother's complaint was kept in cold storage. Hence, this petition.

3.The learned Additional Public Prosecutor would state that on the complaint of the 4th respondent, there is an enquiry pending against the petitioner.

4.Heard the learned counsel for the petitioner, learned Additional Public Prosecutor for the respondents 1 and 2. Since no adverse order is going to be passed against the respondents 3 and 4, notice to them is not necessary.

5.Considering the facts and circumstances of the case, without adverting to the merits of the case, this Criminal Original Petition is disposed of with a direction to the 2nd respondent/police 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 //

/ /2021

Sub Assistant Registrar(CS)

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To

1) The Deputy Superintendent of Police,
Theni,
Theni District.

2) The Inspector of Police,
Theni Town Police Station,
Theni District.

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

+1cc to Mr.M.S.Jeyakarthik, Advocate, SR.No.26407.

ORDER MADE IN
Crl.O.P (MD) No.14346 of 2020
DATED : 17.12.2020

VR (CO)
CS (06.01.2021) 3P 5C