



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD) No.14694 of 2020

S.Solaibava

... Petitioner

Vs.

1.The Superintendent of Police,
Dindigul District,
Theni District.

2.The Deputy Superintendent of Police,
Palani,
Dindigul District.

3.The Inspector of Police,
Town Police Station,
Palani,
Dindigul District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents 2 & 3, not to harass the petitioner and his family members on the guise of enquiry of any complaint except through due process of law, by considering his representation dated 01.12.2020.

For Petitioner : Mr.A.R.Kannappan

For Respondents : Mr.V.Neelakandan

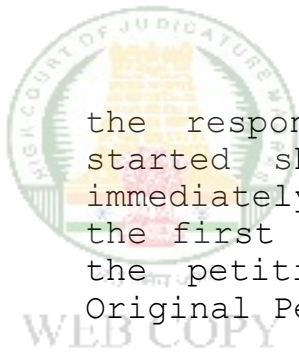
Additional Public Prosecutor.(Crl.side)

ORDER

This petition has been filed to direct the respondents 2 & 3, not to harass the petitioner and his family members on the guise of enquiry of any complaint except through due process of law, by considering his representation dated 01.12.2020.

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 is doing a business of selling Guava at Erode, Karur and Tirupur. It is further submitted that on 24.11.2020, at about 9.25 am, one police officer from the second respondent police station made a phone call to the petitioner and directed him to come to the police station, if he fails, they will arrest the petitioner. When the petitioner's advocate asked details about the complainant, they did not furnish any details. The grievance of the petitioner is that



the respondent police have come to the petitioner's house and started shouting and demanded to come to the police station immediately. Hence, the petitioner sent a detailed representation to the first respondent on 01.12.2020. Since no action has been taken, the petitioner has come before this Court with this Criminal Original Petition.

4.When the petition is taken up for hearing, the learned Additional Public Prosecutor (Crl.side), on instructions, would submit that the complaint in CSR No.544 of 2020 dated 05.12.2020, the enquiry is pending.

5.Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the 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 (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Superintendant of Police,
Dindigul District,
Theni District.
- 2.The Deputy Superintendant of Police,
Palani,
Dindigul District.
- 3.The Inspector of Police,
Town Police Station,
Palani,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.14694 of 2020
14.12.2020