



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.14532 of 2020

K.Guruprasath

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Ram Nagar, Devakottai,
Sivagangai District.

3.The Inspector of Police,
Devakottai Town Police Station,
Devakottai, Sivagangai District.

4.Karumaile

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 3rd respondent not to harass the petitioner and his family members under the guise of enquiry.

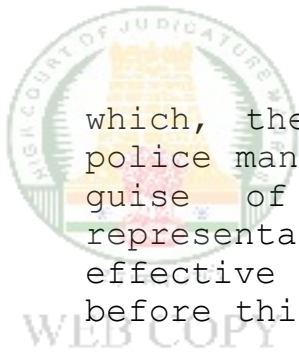
For Petitioner : Mr.S.Muthukumar
For R1 to R3 : Mr.V.Neelakandan
Additional Public Prosecutor.
(Crl.side)

ORDER

This petition has been filed to direct the 3rd respondent not to harass the petitioner and his family members under the guise of enquiry.

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

3.The learned counsel for the petitioner would submit that the 4th respondent and one Manjula have lodged a complaint before the 3rd respondent against the petitioner, alleging that the petitioner has stolen the 4th respondent's necklace, based on



which, the petitioner was called for enquiry by the respondent police many times and they are harassing the petitioner, under the guise of an enquiry. Hence, the petitioner has sent a representation to the respondents 1 to 3 on 05.12.2020. Since no effective action has been taken by them, 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, on instructions, would submit that based on the complaint given by the fourth respondent, FIR in Crime No.327 of 2020 has been registered against the petitioner as suspected person and he was called for enquiry on suspicion basis. No such harassment as contended by the learned counsel for the petitioner. He would further submit that the investigation is under progress.

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 (AS)

// True Copy //

/ /2021

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,
Sivagangai,
Sivagangai District.

2. The Deputy Superintendent of Police,
Ram Nagar,
Devakottai,
Sivagangai District.

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



3.The Inspector of Police,
Devakottai Town Police Station,
Devakottai,
Sivagangai District.

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

Crl.O.P. (MD)No.14532 of 2020
11.12.2020

KM (19.01.2021) 3P 5C