



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

CrI.O.P. (MD)No.14982 of 2020

1.S.Asmathullah
2.B.Jegan Prasath
3.Tharikul Ajees
4.Manivannan

... Petitioners No.1 to 4

Vs.

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

2.The Inspector of Police,
District Crime Branch,
Ramanathapuram District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent not to harass the petitioners under the guise of enquiry on the basis of the FIR in Crime No.8 of 2019 dated 08.05.2019 pending on the file of the second respondent and also not to threatened to foist false cases.

For Petitioners : Mr.V.Ariyanatchi

For Respondents : Mr.V.Neelakandan,
Additional Public Prosecutor.

ORDER

This criminal original petition has been filed to direct the second respondent not to harass the petitioners under the guise of enquiry on the basis of the FIR in Crime No.8 of 2019 dated 08.05.2019 pending on the file of the second respondent and also not to threatened to foist false cases.

2.The learned counsel appearing for the petitioners would submit that based on the complaint given by the defacto complainant, the second respondent registered a case in crime No.8 of 2019 for the offence under Sections 294(b), 324 and 506(ii) IPC, due to civil dispute. There is civil dispute also pending between the parties in O.S.No.37 of 2017 before the learned District Judge, Ramanathapuram. Even though the petitioners explained their case, the respondent



police is harassing them. Hence, the petitioners filed the present petition seeking the aforesaid relief.

3.The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the petitioners herein are suspects in the case in crime No.8 of 2019 and therefore, the respondent police called the petitioners for enquiry.

4.Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the respondents 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 petitioners.

Sd/-

Assistant Registrar (co)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

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,
Ramanathapuram,
Ramanathapuram District.
- 2.The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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VB (08.01.2021) 2P 4C