



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2020

CORAM:

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

Crl.O.P.(MD)No.15251 of 2020

Kalaimani

... Petitioner

Vs.

1.State represented by
The Superintendant of Police,
Thoothukudi District.

2.The Inspector of Police,
Thoothukudi South Station,
Thoothukudi District.

...Respondents

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

For Petitioner : Mr.G.Geethanjali

For Respondents : Mr.V.Neelakandan

Additional Public Prosecutor.(Crl.side)

ORDER

This petition has been filed to direct the second 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 respondents.

3.The learned counsel for the petitioner would submit that the petitioner's son Udhaya is the third accused in Crime.No.825 of 2020, on the file of the respondent police, for the alleged offences under Sections 147,148, 341, 294(b), 324, 307, 506(ii) and 427 IPC. Totally 5 accused in this case and the accused 3 & 4 were absconded. The grievance of the petitioner is that since the petitioner's son is arrayed as 3rd accused in the above said crime number, the respondent police is harassing the petitioner under the guise of enquiry. According to the petitioner, his name is not even found in FIR. Even then, the respondent police are harassing the petitioner, without any allegation against the him. Hence, the petitioner has given a complaint before the respondent police on 11.12.2020. Since no action has been taken, the petitioner has come before this Court with this Criminal Original Petition.

4.The learned Additional Public Prosecutor (Crl.side), on instructions, would submit that a case in Crime No.825 of 2020 has been registered against the petitioner's son and others. The petitioner's son was arrayed as A3 and in order to know the



whereabouts of the 3rd accused, the petitioner was called for enquiry. No such harassment as contended by the learned counsel for the petitioner.

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 (CO)

// 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,
Thoothukudi District.
- 2.The Inspector of Police,
Thoothukudi South Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/s.Sissy Law Associates,SR.No.26940 dated22/12/220

Crl.O.P. (MD)No.15251 of 2020
21.12.2020

SRK(CO)
KB(08.02.2021) 2P 5C