



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2020

CORAM:

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

Crl.O.P.(MD)No.15402 of 2020

Malathi

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
Thukalay Police Station,
Kanyakumari District.

.....Respondents

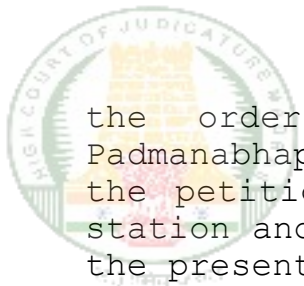
PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent's police not to harass the petitioner and her family members without due procedure of law.

For Petitioner	:	Mr.R.Rajesh
For Respondents	:	Mr.V.Neelakandan Additional Public Prosecutor

ORDER

This petition has been filed to direct the second respondent police not to harass the petitioner and her family members without due procedure of law.

2.The learned counsel for the petitioner would submit that on 15.10.2020 the second respondent has registered a case against the petitioner's husband and others in Crime No.869 of 2020 under Sections 341, 294(b), 324, 307, 506(ii) and 379(NP) IPC. The husband of the petitioner has also got anticipatory bail on 18.11.2020. While so, the petitioner's husband went to the second respondent police station to comply with the conditional order. But the respondent police never permitted the husband of the petitioner to comply with the condition and asked him to sit inside the police station till evening. Thereafter, the petitioner approached the Principal Sub Judge, Kanyakumari, Nagercoil and got modification of



the order to appear before the Judicial Magistrate Court, Padmanabhapuram daily at 10.30 am. Still the respondent police asks the petitioner and her family members to appear before the police station and harassing the petitioner and her family members. Hence, the present petition.

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3. The learned Additional Public Prosecutor, appearing for the respondents 1 and 2, on instructions, would submit that the case is foisted against the petitioner's husband and he obtained a conditional anticipatory bail before the Court below. The learned Additional Public Prosecutor further submitted that only for the purpose of enquiry, the respondent police called the petitioner and they are not harassing her.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

5. Whatever might be the circumstances, the respondent police are directed 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.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Kanyakumari District,
Nagercoil.



2.The Inspector of Police,
Thukalay Police Station,
Kanyakumari District.

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

Crl.O.P. (MD) No.15402 of 2020

23.12.2020

CK (CO)

NR (05/01/2020) 3P : 4C