



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.15555 of 2020

1.S.Srinivasan

2.S.Santhi

3.S.Sundararajan

... Petitioners

Vs.

1.The Commissioner of Police,
O/o. The Commissioner of Police,
Madurai.

2.The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police,
Maudrai.

3.The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai.
(In Crime No.Not Known of 2020)

4.K.Alamelu

... Respondents

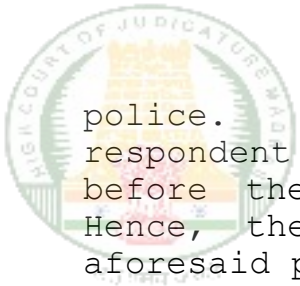
PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the third respondent herein not to harass the petitioner under the guise of enquiry on the basis of the petitioner's representation dated 11.12.2020.

For Petitioner	:	Mr.M.Kurus Celin Rani
For R1 to R3	:	Mr.V.Neelakandan
		Additional Public Prosecutor

ORDER

This petition has been filed to direct the third respondent herein not to harass the petitioner under the guise of enquiry on the basis of the petitioner's representation dated 11.12.2020.

2. The learned counsel for the petitioner would submit that the first petitioner is the husband of the fourth respondent and the second and third respondents are the parents-in-law of the fourth respondent. Due to matrimonial dispute, the defacto complainant made a complaint before the respondent police as if the petitioners demanded dowry. The second and third petitioners are senior citizens and they are taking treatment for their age-old ailments. hence, the first petitioner alone can appear before the respondent



police. But based on complaint of the fourth respondent, the respondent police is harassing the petitioners asking them to appear before the respondent police without even issuing any summons. Hence, the petitioner has filed the present petition with the aforesaid prayer.

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3. The learned Additional Public Prosecutor, appearing for the first to third respondents, on instructions, would submit that based on the complaint given by the fourth respondent, due to matrimonial dispute enquiry is pending. The learned Additional Public Prosecutor further submitted that only for the purpose of enquiry, the respondent police called the petitioners and they are not harassing them.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

5. Whatever might be the circumstances, if the petitioner is required for enquiry in future, the respondent police is 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 (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

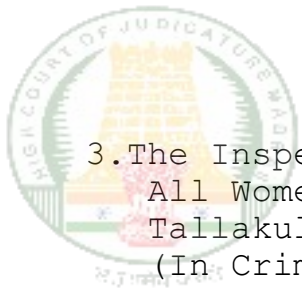
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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner of Police,
O/o. The Commissioner of Police,
Madurai.

2.The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police,



3.The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai.
(In Crime No.Not Known of 2020)

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

+1 CC to Mr.G.Anto Prince ,Advocate,in SR.No.26990.

Crl.O.P. (MD) No.15555 of 2020
23.12.2020

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