



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.21355 of 2021

and

W.M.P.No. 22602 of 2021

S.Manitamil

...Petitioner

Versus

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
3. The Deputy Superintendent of Police,
Hosur,
Krishnagiri District,
Krishnagiri.
4. The Inspector of Police,
Hosur Town,
Krishnagiri District,
Krishnagiri.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the fourth respondent from harassing the petitioner under Police Standing Order No.746 without any materials or basis to execute a bond under Section 110 of Code of Criminal Procedure, 1973 which is violative of Article 21 of the Constitution of India.

For Petitioner : Mr.S.Ilamuhil

For Respondents : Mr.R.Vinoth Raja (Crl.Side)
Government Advocate



O R D E R

This petition has been filed seeking to forbear the fourth respondent from harassing the petitioner under Police Standing Order No.746 without any material or basis to execute a bond under Section 110 of Code of Criminal Procedure, 1973 which is violative of Article 21 of the Constitution of India.

2. The petitioner is the accused in Crime No.798 of 2015 for the offence under Sections 147, 148, 341, 506(ii), 307 & 302 of I.P.C. On completion of the investigation, charge sheet has been filed S.C.No.134 of 2019.

3. The contention of the petitioner is that the petitioner is an Engineering Graduate and he is looking after his father's business. He is a god-feared, law-abiding citizen and he has not indulged in any offences prior to the registration of the case or after the registration of the case. He has been unnecessarily harassed by the respondent police by calling at odd hours, in his residence and also in his business place.

4. The learned Government Advocate (Crl.Side) has submitted that the petitioner involved in a gang rivalry and there has been enmity brewing between two groups, which lead to the offence. The materials have been collected against the petitioner and for the purpose of verifying the same, the petitioner was called for enquiry. The petitioner was not available and he is now in Bangalore. Further, the petitioner is a history sheeter in H.S.No.155 of 2017. The petitioner being a history sheeter, for ascertaining the provision and his whereabouts for the purpose of maintaining the Law & Order and also for his safety and security, he was called before the respondent police for enquiry.

5. In view of the same, since the petitioner has been arrayed as history sheeter and calling the petitioner for enquiry, cannot be termed as harassment

6. Accordingly, this Writ Petition stands dismissed. Consequently, connected the Miscellaneous Petitions is closed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dna/drm



To

1. The District Collector,
Krishnagiri District,
Krishnagiri.

2. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

3. The Deputy Superintendent of Police,
Hosur,
Krishnagiri District,
Krishnagiri.

4. The Inspector of Police,
Hosur Town,
Krishnagiri District,
Krishnagiri.

5. The Public Prosecutor
High Court, Madras.

+1CC to Mr.J.Deliban, Advocate, Sr.No.52663

W.P.No.21355 of 2021
and
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KSM (CO)
K.RK. (01.11.2021)