



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.25123 of 2021

Marimuthu

...Petitioner

Versus

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

2. The Inspector of Police,
Ethappur Police Station,
Salem District.

3.P.Kannathasan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent herein to not to harass the petitioner in any manner except by due process of law pursuant to the representation dated 09.12.2021.

For Petitioner : Mr.R.Karthick Sevugapperumal

For R1 & R2 : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the third respondent herein to not to harass the petitioner in any manner except by due process of law pursuant to the representation dated 09.12.2021.

2.The grievance of the petitioner is that his son Kiruthish Kumar, who is studying second year B.Sc., (Botany) in Government Arts College at Kattu Kottai, Attur had placed orders in the Amazon for mobile phone accessories and paid the money through online. Next day, the petitioner came to know about the purchase of the product, the petitioner and his wife scolded and beaten him. On 29.11.2021, the above said Kiruthish Kumar was found



missing in his home, the petitioner and his family members were searched him in many places and he was unable to be traced. Thereafter, petitioner had lodged a complaint for missing of his son before the second respondent police. The third respondent, who is the Sub Inspector of Police in the second respondent police station was refused to receive the complaint.

3.This being the case, the petitioner had been called for enquiry and suspected that the petitioner's son Kiruthish Kumar had eloped with one Deepa, a minor girl, who is the daughter of one Pachaiammal. The petitioner is not aware about any such relationship.

4.The learned Additional Public Prosecutor submits that the said Pachaiammal had lodged the complaint for girl missing in Crime No.545 of 2021. The doubt is that the petitioner's son had eloped with the said Pachaiammal's minor daughter. Further the Pachaiammal's daughter and the petitioner's son are related as brother and sister and not otherwise. Hence, they apprehended that the petitioner is stubborn to save his son. To ascertain the whereabouts of the petitioner's son and to secure the victim girl, the petitioner is being called, which cannot be termed as harassment.

5.Considering the submissions and on perusal of materials, this Court finds that the said Pachaiammal's minor daughter is to be secured. The said Pachaiammal's daughter as well the petitioner's son are found missing in the same town. Both are belonged to the same village. The minor girl has to be secured, for which the petitioner called for enquiry, which cannot be termed as harassment. For the purpose of enquiry in Crime No.545 of 2021, the petitioner has to appear before the respondent police. The respondent police is directed to call for the petitioner at the week ends and on specific dates whenever the petitioner's appearance is required, without disturbing the petitioner's day-to-day work.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Inspector of Police,
Ethappur Police Station,
Salem District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Karthick Sevugapperumal, Advocate, S.R.No.69863

CRL.O.P.No.25123 of 2021

PM(CO)
RGA(19/01/2022)