



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.407 of 2021

M.Mariyammal

... Petitioner

Vs.

1.The Superintendant of Police,
O/o.The Superintendant of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Nagamalai Puthukottai Police Station,
Madurai District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C to direct the second respondent not to harass the petitioner and her family members without any legally sustainable complaint and to direct the Respondent No.2 to follow the guideline issued by the Hon'ble Supreme Court in D.K.Basu(1997 1 SCC 416) case in matters pertaining to arrest or interrogation within the time period stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr. A.Robinson

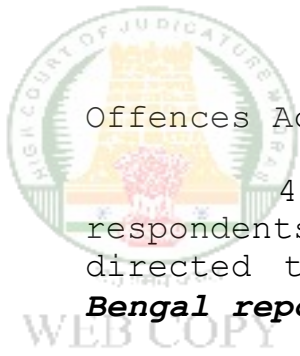
Government Advocate (Crl. Side)

ORDER

The petitioner has filed the present petition under Section 482 of Cr.P.C. seeking for a direction to the second respondent not to harass the petitioner and her family members under the guise of an enquiry.

2.The main grievance of the petitioner is that the petitioner's younger son namely, Bharathan, went missing from her house since 28.11.2020 and that the complaint lodged by her with the second respondent police in this regard evoked to response from the police. Her further contention is that one Soundarya D/o.Muthupandi, a minor girl was alleged to have been kidnapped by the petitioner's son. According to her, her son did not commit any offence and despite the said fact, the second respondent police is harassing her under the guise of an enquiry.

3.Per contra, Mr.A.Robinson, learned Government Advocate, who accepts notice for the respondents, submitted that the minor girl and the son of the petitioner went missing from their respective houses and therefore, a case was registered under Section 366(a) of IPC, Sections 9 and 10 of Prohibition of Child Marriage Act and Sections 5(i) and 6 of Protection of Children Sexual



Offences Act, against the petitioner's son.

4.Since the grievance of the petitioner is that the respondents / police are harassing her, the respondents / police are directed to follow the guidelines of **D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610.**

5.With the above observation, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar ()

// 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 Superintendant of Police,
O/o.The Superintendant of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Nagamalai Puthukottai Police Station,
Madurai District.

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

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-1199[F] dated
19/01/2021)

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PU(CO)
KB(04.02.2021) 2P 5C