



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.5096 of 2021

Vasudevan

... Petitioner

Vs.

1.The State Represented through the
Superintendent of Police,
Sivagangai-630 562.

2.The Deputy Superintendent of Police,
D.S.P. Police,
Manamadurai-630 606.

3.The Inspector of Police,
Thiruppachethi Police Station,
Thiruppachethi,
Sivagangai-630 610.

4.Sivabalan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent not to harass the petitioner and his family members in guise of enquiry without following any due process of law and any summons with following D.K.Basu Guidelines issued by the Apex Court.

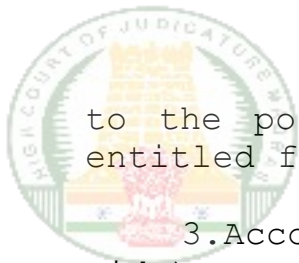
For Petitioner : Mr.R.Senthilkumar
For R1 to R3 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. side)

ORDER

The present petition is filed seeking for a direction to the third respondent not to harass the petitioner and his family members under the guise of an enquiry.

2.According to the learned counsel for the petitioner, the respondent police without following any proper procedure as mandated in D.K.Basu cases, the petitioner was summoned frequently

<https://hcservices.ecourt.gov.in/hcservices/>



to the police station without making any enquiry, hence, he is entitled for the relief as prayed for in the present petition.

3. According to the learned Government Advocate (Criminal side), one Manimuthu was a de-facto complainant in Crime No.36 of 2021 on the file of the third respondent police in the murder case of one Gopal. It is further submitted by the learned Government Advocate (Criminal side) that one of the accused was released on bail in that case, namely, Devaraj, who colluded with this petitioner and threatened the de-facto complainant in the above said murder case to withdraw the complaint. Based upon that only, he was called for enquiry.

4. According to the learned counsel for the petitioner, he is ready to co-operate with the enquiry, but the respondent police should not harass him.

5. Recording the said submission made by the learned Government Advocate (Criminal side), this Criminal Original Petition is closed with a direction to the third respondent to follow the guidelines issued in the decision in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610.***

Sd/-

Assistant Registrar(P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Sivagangai-630 562.

2.The Deputy Superintendent of Police,
D.S.P. Police,
Manamadurai-630 606.



3.The Inspector of Police,
Thiruppachethi Police Station,
Thiruppachethi,
Sivagangai-630 610.

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

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-15581[F] dated
09/04/2021)

CrI.O.P. (MD)No.5096 of 2021
08.04.2021

KVN (CO)
AS (12.05.2021) 3P 6C