



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGO VAN**

Crl.O.P.(MD).No.5182 of 2021

1. Sumathi
2. K.Nagaraj
3. Manikandan
4. Ragunathan

... Petitioners A1 to A3 & A5

Vs.

1. State through
The Deputy Superintendent of Police,
Manapparai - 620 001,
Trichy District.
2. The Inspector of Police,
Vaiyampatti Police Station,
Trichy.
(In Cr.No.727 of 2020)

3. Thamaraiselvi
- ... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to harass the petitioners in the guise of enquiry without following the due process of law.

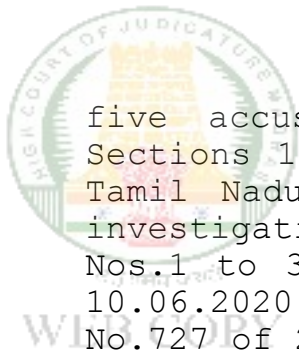
For Petitioner : Mr.L.Prabhu

For Respondents : Mr.K.,Suyambulinga Bharathi
Government Advocate (Crl.Side).

ORDER

This Criminal Original Petition is filed seeking a direction to the second respondent not to harass the petitioners under the guise of enquiry without following the due process of law.

2. The case of the prosecution is that on the basis of the complaint preferred by the third respondent/defacto complainant, F.I.R. in Crime No.727 of 2020 has been registered by the second respondent/Inspector of Police, dated 10.06.2020 as against the



five accused persons for the alleged charge of offence under Sections 147, 294(b), 323, 324, 506(ii) and under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and the investigation is pending and the petitioners herein are accused Nos.1 to 3 and accused No.5. The alleged occurrence took place on 10.06.2020. Pursuant to the above registration of F.I.R. in Crime No.727 of 2020 on the file of the second respondent, the petitioners K.Nagaraj (A2) and Manikandan @ Krishnamoorthy (A3) moved bail petition under Section 437 of Cr.P.C in Cr.M.P.No.1357 of 2020 on the file of the learned Judicial Magistrate Court, Manapparai, Trichy District, and the same was pleased to be allowed in their favour on 17.06.2020 by the Court. Subsequently, at the instigation and inducement of the defacto complainant, the accused have been harassed continuously by the second respondent. In view of this, they made representation to the first and second respondents duly and explained them not to harass them under the guise of enquiry and the first petitioner being a lady cannot tolerate the harassment meted out by the second respondent. It is not fair on the part of the second respondent in harassing the petitioners without any basis. This type of harassment must be curtailed immediately by the first respondent and the petitioners are ready to face the trial before the concerned Court and ready to submit the facts and circumstances with regard to the above issues. The issue is mainly civil in nature and it has been camouflaged into criminal colour in order to register the F.I.R. and moreover, no gold chain has been taken by the petitioners and it was misplaced by the defacto complainant while the alleged occurrence has happened. As per the averments in the F.I.R. there was no allegation that the petitioners have taken the same with dishonest intention. The present complaint has been preferred out of previous enmity in order to punish the petitioners out of grudge and animosity. The concerned Court ordered bail in favour of the petitioners A2 and A3 among the four petitioners herein, by taking note of the facts and circumstances of this case. The second respondent herein is harassing the petitioners frequently by calling upon them to Police Station and detaining them. It is submitted that the second respondent herein is openly declaring to foist cases upon the petitioners. The second respondent is demanding illegal ratification from the petitioners. It is submitted that under these circumstances, the present petition has been filed.

3. According to the learned counsel for the petitioner, even though, the case has been registered against the petitioner and other four persons under Sections 147, 294(b) 323 & 324 & 506(ii) of IPC, the Police are harassing them on the ground that two sovereigns of gold is missing.

4. According to the learned Public Prosecutor, the petitioners 2 & 3 were granted Bail by the learned Principal District Judge, Trichy and there is no question of harassment.



5. In the light of the above submission made by the learned Public Prosecutor, this Criminal Original Petition is disposed of, with a direction to the petitioners to co-operate with the enquiry and investigation.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm

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 Deputy Superintendent of Police,
Manapparai - 620 001,
Trichy District.
2. The Inspector of Police,
Vaiyampatti Police Station,
Trichy.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.PRABHU, Advocate (SR-15956[F] dated 16/04/2021)

Crl.O.P.(MD)No.5182 of 2021
09.04.2021

RK (09.08.2021) 3P 5C