



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.ILANGO VAN
Cr1.OP(MD).No.5981 of 2021

S.Thanthony : Petitioner

Vs.

1. The State Represented through the
District Superintendent of Police,
O/o. District Superintendent of Police,
Dindigul District - 624 004.
2. The Inspector of Police,
All Women Police Station,
Palani,
Dindigul District - 624 601.
3. Ms.Shanmugasundari
Sub Inspector of Police,
All Women Police Station,
Palani,
Dindigul District - 624 601.
4. Mr.Easwaran
Special Sub Inspector of Police,
Sanarpatti Police Station,
Dindigul East Taluk,
Dindigul District - 624 304.
5. Mr.Babu

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the third and fourth respondents not to harass the petitioner and his family members in the guise of enquiry.

For Petitioner	: Mr.R.Karunanidhi
For Respondents	: Mr.K.Suyambulinga Bharathi, Government Advocate, For R1 to R4.

ORDER

This petition has been filed seeking a direction to the respondents 3 and 4 not to harass the petitioner and her family members under the guise of enquiry, based upon the complaint given by the 4th respondent herein.



2. The case of the petitioner is that the petitioner married one Vijaya and they are blessed with a son namely Nagamuthu and daughter namely Ananthi. His son Nagamuthu is studying Bachelor of Vocational Education (Food Process), First Year at Gandhi Gramam University. The 5th respondent's daughter namely Gayathri is also studying in the same Educational Course along with the petitioner's son Nagamuthu. The said Gayathiri's grandfather namely Palani has informed the petitioner in person that Gayathri has fallen in love with his son. Immediately, he warned his son and told him to concentrate on his studies. On 07.03.2021 at about 12.00 A.M., he received a call from 96007 17979 to his cell number. One Babu, who is the 5th respondent herein, Palani, and another one person had threatened him by mentioning about Gayathri's relationship with his son. On 11.04.2021, at about 4.00 P.M., the said Gayathri has come to his home and told that her parents threatened and beaten her, since she has fallen in love with his son. Immediately, he contacted cell No.96007 17979 and informed her grandfather Palani about her arrival at his home. In turn, Gayathiri's grandfather Palani told to keep her at your residence. On the same day (i.e.,) on 11.04.2021 at about 10.00 PM., Gayathri's Father namely Babu, Grandfather namely Palani, her own sister, her uncle have come to his home and forcefully obtained Canara Bank Account Pass Book, ATM Card from Gayathri, in the presence of Village elders namely Karuppaiah and others. On 13.04.2021 at about 5.00 P.M., the 4th respondent, who is the Special Sub-Inspector/Easwaran, and other constables attached to the Sanarpatti Police Station came on a private TAVERA Car and forcibly taken Gayathri and his son Nagamuthu. Therefore, the petitioner and his family members went to Sanarpatti Police Station. After reaching Sanarpatti Police Station, he was informed that his son and the said Gayathri are kept at All Women Police Station, Palani. Around 8.00, he reached Palani, All Women Police Station. The 3rd respondent/Sub Inspector of Police namely Shanmugasundari has threatened him that she would foist a case against his son, since she was aged about 20 years old. At the same time, the 3rd respondent has beaten Gayathri and forced her to go along with her parents, seek apology from her parents by holding the feet. Since the 3rd respondent has continuously beaten, Gayathri, he requested her not to beat her, since she is an innocent girl. One Shanmugasundari and Easwaran have got a sum of Rs.70,000/- as bribe for doing favourable things to 5th respondent family. The 3rd respondent forcefully had taken his mobile phone. The 3rd respondent has got a letter as if his son has brought Gayathri to his home. Similarly, a different types of complaints were also received from the 5th respondent namely Babu and thereafter the police have sent Gayathri along with her parents against her wish. The said Gayathri is aged about 19 years and a major girl. She wishes to marry his son. The police officials did not issue any summons with regard to the complaint and in a forceful manner, the complaint was received and excess police



force was used in this case. There is no authority for the respondent police to take his mobile phone to the police custody. Further, the said 3rd respondent is keeping his mobile phone at the police station. In this case, two police stations were involved and completely failed to follow the rules contemplated in the Criminal Procedure Code. The police officer has done all these illegal activities for the reasons best known to them. The 3rd respondent herein called the petitioner through phone and told that his son's mobile phone is to be handed over to the police station. In this regard, the petitioner sent a detailed representation on 16.04.2021 to initiate appropriate action against the 3rd respondent namely Shanmugasaundari, 4th respondent namely Easwaran and others. But no action was taken till date. Hence, the petitioner filed this present Criminal Original Petition.

3. The learned counsel for the petitioner would submit that on missing of the 5th respondent daughter's herein, a false complaint has been registered in C.S.R.No.129 of 2021 on 13.04.2021. The girl was secured and during the enquiry, she expressed her willingness to live along with the son of the petitioner.

4. The learned Additional Public Prosecutor would submit that the enquiry is pending against this petitioner and the question of harassment does not arise.

5. The learned counsel for the petitioner would submit that in the guise of enquiry, the third respondent herein snatched his cell phone. According to him, CCTV camera fixed in the police station will reveal the truth. The third respondent may return, if anything available with her, which belongs to the petitioner.

6. With the above directions, this Criminal Original Petition stands disposed of, since harassment in this circumstance may not be available.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



kmm
To

1. The District Superintendent of Police,
O/o. District Superintendent of Police,
Dindigul District - 624 004.

2. The Inspector of Police,
All Women Police Station,
Palani,
Dindigul District - 624 601.

3. The Special Sub Inspector of Police,
Sanarpatti Police Station,
Dindigul East Taluk,
Dindigul District - 624 304.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-17871[F] dated 28/04/2021)

Cr1.OP.(MD).No.5981 of 2021

28.04.2021

_CN(13.08.2021) 4P 5C