



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGOVAN

CrI.OP(MD).No.6018 of 2021

WEB COPY

Sorimuthu

... Petitioner/Sole Accused

Vs.

State through

1. The Superintendent of Police,
Tirunelveli,
Tirunelveli District.
2. The Deputy Superintendent of Police,
Valliyur,
Tirunelveli District.
3. The Inspector of Police,
Panakudi Police Station,
In Crime No.182/2021,
Tirunelveli District.

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the third respondent not to harass the petitioner without following the due process of law based on his representation dated 21.04.2021.

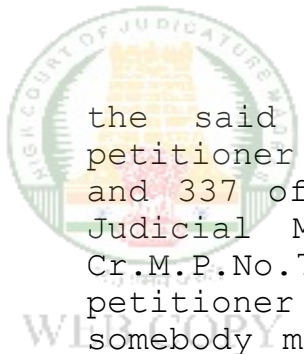
For Petitioner : Mr.C.Susikumar

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

ORDER

This Criminal Original Petition is filed to direct the third respondent not to harass the petitioner without following due process of law based on his representation dated 21.04.2021.

2. The case of the petitioner is that he is working as a driver. One Saraswathi, is residing in the adjacent house of the petitioner. On 31.03.2021, when he started to proceed from the home in his bike bearing registration No.TN-72-F-2464 (Swaraj Mazda) with slow speed, at that time, suddenly the said Saraswathi has crossed the road without seeing both sides. Immediately, the petitioner tried to stop his bike, but, unfortunately, the said Saraswathi was hit by the bike and fell down. Subsequently with the help of the petitioner and neighbours the said Saraswathi was admitted in the Government Hospital, Asaripallam. Since it is case of accident, the police attached with third respondent have obtained statement from



the said Saraswathi and registered the case as against the petitioner in Crime No.182 of 2021 for the offence under Section 279 and 337 of IPC. Thereafter, the petitioner surrendered before the Judicial Magistrate, Valliyur and he was released on bail in Cr.M.P.No.771 of 2021, because the offences registered against the petitioner are bailable. Thereafter, he came to understand that somebody mis-led the said Saraswathi and made her give a false statement that the petitioner had hit her with his bike intentionally. Subsequently, she sent several complaints to the higher officials of the third respondent. On receiving the complaint from Saraswathi, the third respondent came to the petitioner's house and informed that they want to conduct an enquiry, based on the complaint given by the said Saraswathi. The petitioner appeared before the third respondent and explained the entire above mentioned facts and also shown the bail order to the third respondent. After satisfied with the petitioner's answer, the third respondent instructed the petitioner to go to home. Subsequently, the police official attached with third respondent police station came to the petitioner's house during the night hours and continuously harassed him to appear for enquiry. It is pertinent to mention that already FIR was registered in the subject issue and the petitioner was released on bail in Crl.M.P.No.771 of 2021 before the Judicial Magistrate, Valliyur, however, the third respondent police were insisting the petitioner to appear before him for enquiry. Though the petitioner appeared and given his proper explanation, the third respondent harassing the petitioner for attending enquiry. Further the petitioner was threatened by the third respondent that if the petitioner does not appear for enquiry he will be included in the put up case and he will be kept in jail. Untolerated the harassment made by the third respondent, the petitioner has sent a representation to the first and second respondents on 20.04.2021, after receiving the representation there is no progress. Hence, he filed this petition.

3. The learned Public Prosecutor would submit that in respect of the said Crime, investigation is going on and the petitioner is purposefully avoiding the inspection of the vehicle by the Motor vehicle Inspector. The learned Public Prosecutor, therefore, submits that the petitioner's presence is necessary for investigation and he may be directed to co-operate with the third respondent for investigation.

4. So, the petitioner is directed to co-operate with the third respondent to conclude the investigation. The same shall be concluded within a period of three months from the date of receipt of a copy of this order. Since, investigation is pending, it will not amount to harassment.



5. With these directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

// 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 Superintendent of Police,
Tirunelveli,
Tirunelveli District.
2. The Deputy Superintendent of Police,
Valliyur,
Tirunelveli District.
3. The Inspector of Police,
Panakudi Police Station,
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W.P. (MD)No.6018 of 2021

28.04.2021

RD(11.08.2021) 3P 4C