



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2021

CORAM

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P. (MD) No.17901 of 2021

WEB COPY

Muthaiah

.. Petitioner

Vs

1.Director General of Police
DGP Office,
Chennai-600004.

2.The Superintendent of Police,
Office of Superintendent of Police,
Sivagangai-630561.

3.The Deputy Superintendent of Police,
D.S.P. Police, Manamadurai-630606.

4.The Inspector of Police,
Manamadurai Police Station,
Manamadurai-630606.

5.The Inspector of Police,
Sipcot Police Station,
Manamadurai-630606.

6.The Inspector of Police,
Thiruppachethi Police Station,
Thiruppachethi -630610.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents No.4 to 6 not to harass the petitioner and his family members under the guise of any enquiry without any complaints or summons or reasons against the petitioner and failed to follow the D.K.Basu guidelines issued by the Hon'ble Apex Court by the same respondents.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

This petition is filed seeking writ of mandamus directing the respondents 4 to 6 not to harass the petitioner under the guise of enquiry without any complaints or summons or reasons against the



petitioner.

2.The learned counsel appearing for the petitioner would submit that a case has been registered in SC.No.82 of 2017 before the learned Principal District Sessions Judge, Sivagangai. Pending the aforesaid proceedings, the petitioner is regularly appearing before the Court. Now, the respondents 4 to 6 are regularly coming to the house of the petitioner and making trouble and harassing.

3.The learned Additional Public Prosecutor appearing for the respondents would submit that for the purpose of issuing notice under Section 110 of Cr.P.C., the petitioner has been searched and except that there is no such harassment.

4.If the respondents want to initiate proceedings under Section 110 of Cr.P.C., they have to follow proper procedure and without following proper procedure, there is no question of searching the petitioner for serving the notice.

5.Accordingly, this petition is disposed of with a direction to the respondents herein to follow proper procedure, if they intend to initiate proceedings against the petitioner. If any proceedings are initiated, the petitioner is at liberty to workout his remedy before the appropriate Court through appropriate proceedings. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

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Sub Assistant Registrar(CS)

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To

1.Director General of Police
DGP, Office
Chennai-600004.

2.The Superintendent of Police,
Office of Superintendent of Police,
Sivagangai-630561.

3.The Deputy Superintendent of Police,
D.S.P. Police
Manamadurai-630606.



4.The Inspector of Police,
Manamadurai Police Station,
Manamadurai-630606.

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