



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P. (MD)No.15212 of 2021

WEB COPY

1.Varadharaj
2.Muthulakshmi

... Petitioners/Petitioners

vs.

1.The Superintendent of Police,
O/o. the Superintendent of Police,
Theni,
Theni District.

2.State, through
The Sub-Inspector of Police,
Devathanapatti Police Station,
Theni District.
(Crime No.1504 of 2020)

3.P.Raju

... Respondents/Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to pass an order of directing the respondent not to harass and not to interfere with the personal liberty of the petitioners under the guise of enquiry.

For Petitioners :Mr.M.A.M.Raja

For Respondents :Mr.T.Senthil Kumar,

Additional Public Prosecutor for R1 & R2

Isaac Chambers/Mr.K.Prabhu for R3

O R D E R

Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor for the respondents 1 and 2 and the learned counsel for the third respondent.

2. The petitioners allege that the respondent police are harassing them at the instance of the third respondent.

3. When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that a complaint has been received against the petitioners and that enquiry is pending as on date.

4. In these circumstances, in the interest of justice, the following directions are issued:-



(a) If the respondent police propose to enquire the petitioners, they will be summoned only in writing. There is no question of orally summoning the petitioners.

(b) After the petitioners appear before the jurisdictional police, enquiry will be conducted and concluded within a period of two weeks thereafter.

(c) If the jurisdictional police come to the conclusion that the issue is purely civil in nature, the complaint shall be closed.

(d) If the police come to the conclusion that cognizable offence is made out against the petitioners, an FIR can be registered but the petitioners will be given due notice of the same so that they will have breathing time to move the concerned Court for the relief of anticipatory bail.

5. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

csn

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,
O/o. the Superintendent of Police,
Theni, Theni District.

2.The Sub-Inspector of Police,
Devathanapatti Police Station,
Theni District.

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

Crl.O.P. (MD)No.15212 of 2021

07.12.2021

SVN(CO)

GC(15.12.2021) 2P 4C

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