



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.780 of 2022

A.Thaiba Banu

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2.The Inspector of Police,
District Crime Branch,
Madurai.

3.Sudan Textiles,
Represented by its Proprietor
Thiruppathi,
Kappalur,
Thirumangalam,
Madurai District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondents not to harass the petitioner without any legally sustainable complaint and to direct the respondents to follow the guideline issued by the Hon'ble Supreme Court in D.K.Basu (1997 1 SCC 416) case in matters pertaining to the arrest or interrogation.

For Petitioner : Mr.P.Janarathanan

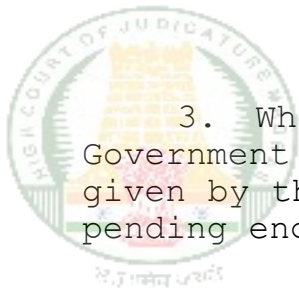
For Respondents : Mr.M.Kottaichamy

Government Advocate (Crl.Side)for R.1 & R.2

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2.

2. The petitioner alleges that the respondent police were harassing her at the instance of the third respondent. To forebear them in doing so, this Criminal Original Petition has been filed.



3. When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) submitted that the complaint given by the third respondent against the petitioner and that, it is pending enquiry.

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

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

(b) After the petitioner appears 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; and

(d) If the police come to the conclusion that cognizable offence is made out against the petitioner, an FIR can be registered but the petitioner 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 (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
Office of the Superintendent of Police,
Madurai District.

2.The Inspector of Police,
District Crime Branch,
Madurai.

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



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

Crl.O.P(MD)No.780 of 2022
27.01.2022

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GC(10.02.2022) 3P 4C