



Crl.O.P.(MD)No.21960 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.12.2022**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.21960 of 2022

J.Vaiduriyam

... Petitioner

Vs.

1.The Commissioner of Police,
O/o. the Commissioner of Police,
Alagar Kovil Main Road,
K.Pudur,
Madurai-02.

2.The Inspector of Police,
Mattuthavani Police Station,
Madurai.

3.The Manager,
Madurai Institute of Orthopedics and Traumatology
(MIOT) Hospital,
Melur Main Road, KK Nagar,
Madurai.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the second respondent not to harass the petitioner without any legally sustainable complaint and to direct the second respondent to follow the guideline issued by the Hon'ble Supreme



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Court in D.K.Basu (1997 1 SCC 416) case in matters pertaining or interrogation.

For Petitioner : Mr.T.Lajapathi Roy

For R1 & R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the second respondent not to harass the petitioner without any legally sustainable complaint and to direct the second respondent to follow the guideline issued by the Hon'ble Supreme Court in D.K.Basu (1997 1 SCC 416) case in matters pertaining or interrogation.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

3. The learned counsel appearing for the petitioner would submit that since the petitioner was suspecting for misappropriation of some amounts from the third respondent hospital, she has been directed to



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appear before the second respondent and in pursuance of the same, she appeared for five days and even thereafter, they have been directing her to appear very often.

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would submit that the petitioner has appeared only once, but he would admit that not on summons.

5. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is ready to appear before the second respondent on receipt of summons.

6. Taking into account the overall facts and circumstances, the following directions are issued:-

“(a) The second respondent shall issue written summons to the petitioner for causing her appearance before him for enquiry.

(b) The second respondent shall conclude the enquiry within a period of three weeks from the date of receipt of a copy of this order.



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(c) If at the end of the enquiry, cognizable offence is made out and the second respondent proposes to register any FIR, the petitioner will be given notice of the same so that the petitioner will have breathing time to move the concerned Court for the relief of anticipatory bail.”

7. With these directions, this Criminal Original Petition stands disposed of.

13.12.2022

Index : Yes / No
Internet : Yes / No
csm



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Madurai-02.
- 2.The Inspector of Police,
Mattuthavani Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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