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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29/03/2023

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The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.OP(MD)No.4894 of 2023

Vasanthakumar : Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Thirumangalam Sub Division,
Madurai District.

3.The Sub Inspector of Police,
Perungudi Police Station,
Madurai.

4.Murugan : Respondents

PRAYER:- This Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to direct the 2nd and 3rd respondents not to harass the petitioner herein under the guise of enquiry in connection with Crime No.18 of 2023 on the file of the 3rd respondent and to pass such further or other orders.



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For Petitioner : Mr.C.Mayilvahana Rajendran

For R1 to R3 : Mr.B.Nambiselvan
Additional Public Prosecutor**O R D E R**

This criminal original petition has been filed seeking for direction to the 2nd and 3rd respondents not to harass the petitioner herein under the guise of enquiry in connection with Crime No.18 of 2023 on the file of the 3rd respondent.

2.The facts in brief:-

On 15/01/2023, when the brother of the de-facto complainant namely Muthuramalingam was working in the Petrol Bunk, the 4th respondent herein picked up quarrel and assaulted him. So Muthuramalingam sustained injury. Over the above said occurrence, a case in Crime No.50 of 2023 was registered against the 4th respondent for the offences punishable under sections 294(b), 324 and 506(ii) IPC.



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3.The 4th respondent lodged a complaint against the above said Muthuramalingam and 10 unknown persons. On the basis of the above said, a case in Crime No.18 of 2013 for the offences punishable under sections 147, 148, 2949b), 506(ii) IPC and section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act.

4.This petitioner is no way connected either in the Crime No.50 of 2023 or in Crime No.18 of 2023. Since, the petitioner was not involved in Crime No.18 of 2023, he did not move any bail application, But however, the 3rd respondent came to the college, on 08/03/2023 and tried to take him to the police station. Because of the above said false implication, this petitioner is not in a position to attend the college regularly. So he sent a representation, on 08/03/2023 not to harass him under the guise of enquiry or investigation as the case may be.

5.The learned counsel appearing for the petitioner would submit that even before the arrest, no material has been collected to implicate this petitioner into the offence; It is a clear case of abuse of process of law; Even without any material, this petitioner was subject to harassment, arrest, etc.



6.The learned Additional Public Prosecutor would submit that this petitioner is also involved in the above said Crime No.18 of 2013. So far six witnesses have been examined and this petitioner was also arrested and remanded to judicial custody and later, released on bail. According to him, now the matter has become infructuous.

7.Whether the petitioner is involved in the above said crime or not is a matter for consideration by the Investigating Officer. So the question of harassment may not arise. He has to face the investigation and if the the final report is filed, he has to work out his remedy under due process of law.

8.In the result, this criminal original petition is **dismissed as infructuous.**

29/03/2023

Index:Yes/No
Internet:Yes/No

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To,

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Deputy Superintendent of Police,
Thirumangalam Sub Division,
Madurai District.
- 3.The Sub Inspector of Police,
Perungudi Police Station,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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Cr1.OP(MD) No.4874 of 2023

29/03/2023