



WEB COPY

Crl.O.P.(MD)No.12902 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.07.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.12902 of 2023

1.H.Mohamed Azarudeen

2.H.Mohamed Asiq

... Petitioners

Vs.

1.The Superintendent of Police,
O/o. the Superintendent of Police,
Thanjavur.

2.The Inspector of Police,
Town East Police Station,
Thanjavur District.

3.Karunakaran

4.Somasundaram

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the respondent Nos.2 to 4 not to harass the petitioners in the guise of enquiry.

For Petitioners : Mr.A.Mohamed Riyaz

For R1 & R2 : Mr.SS.Madhavan
Government Advocate (Crl.Side)



WEB COPY

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ORDER

This Criminal Original Petition is filed seeking for a direction to respondent Nos.2 to 4 Police not to harass the petitioners under the guise of enquiry in respect of Crime No.395 of 2023.

2. It is submitted by learned counsel for the petitioners that the persons, namely, Kuppusamy and Vivek stated to have been died in a private bar on 21.05.2023 and basing on which, the Police have registered a case in Crime No.395 of 2023 for the offence under Section 174 Cr.P.C. It is submitted that the Police with the suspicion that cyanide has been mixed in the liquor consumed by the deceased persons, taken the petitioners and harassed them and tortured them and ultimately, on the intervention of the District Collector, the petitioners were released from the Police custody. Learned counsel for the petitioners, therefore, sought for suitable directions to the respondent Police not to harass the petitioners anymore.

3. Learned Government Advocate (Criminal Side) representing the respondent Police submits that during the investigation, it was found that both the deceased persons died on account of



WEB COPY

consuming the cyanide. As petitioners and others manufacturing gold, have been using cyanide in preparation of gold jewels and thereby, they were called to the Police station by issuing summons, to make an enquiry, as to whether anybody has taken the cyanide from the petitioners. It is submitted that the Police have never tortured or harassed on a false allegation as being made in order to make a clinch in this Court, so that, they are exonerated from this case.

4. Though respondent Police alleged harassment stated to have been happened on 21.05.2023, the petitioners did not file any complaint before the learned Magistrate under Section 200 Cr.P.C. against the Police officials alleging harassment by way of beating and torture etc. Since the petitioners have not filed any medical certificate or any record to show that they have received injuries, no further orders are required to be passed in this petition. On the other hand, learned Government Advocate (Criminal Side) have submitted two summons to show that the petitioners were issued summons to appear for enquiry.

5. Since the investigation in respect of Crime No.395 of 2023 is still pending and the investigation discloses that the deceased died by consuming cyanide, this Court cannot pass any directions to the



WEB COPY

respondent Police not to call for the petitioners. However, the respondent Police are directed to follow the procedure scrupulously, in case, if the petitioners are required for any investigation in Crime No.395 of 2023 by issuing summons, specifying the date and time and in such case, the petitioners are also at liberty to appear before the concerned Police along with an Advocate. In case, if the petitioners have any grievance against the Police, they are at liberty to appear before the learned Magistrate or any competent Authority / Court.

6. With these observations, the Criminal Original Petition stands closed.

18.07.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
tsg



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To

1.The Superintendent of Police,
O/o. the Superintendent of Police,
Thanjavur.

2.The Inspector of Police,
Town East Police Station,
Thanjavur District.

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



WEB COPY



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DR.D.NAGARJUN. J.

tsg

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