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Crl.O.P.(MD)No.13394 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.07.2023**

CORAM:

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

Crl.O.P.(MD) No.13394 of 2023

Dr.Prof Kayathiri Devi

... Petitioner

Vs.

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

2.The Inspector of Police,
Pudukottai Town Police Station,
Pudukottai.

3.Bhuwaneshwari

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent Police not to harass the petitioner by frequently summoning him to appear before the respondents Police Station under the guise of enquiry since the matter pertaining to the money dispute.

For Petitioner : Mr.A.D.Ganeshamoorthi

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)
for R1 and R2
Mr.D.Ramesh Kumar for R3



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ORDER

This Criminal Original Petition is filed seeking for a direction to the second respondent Police not to harass the petitioner.

2. According to the learned counsel appearing for the petitioner, on a complaint given by the third respondent, who is the Principal of Kalaingar Karunanithi Government Arts College for Women, the second respondent Police have registered a case in Crime No.355 of 2022 for the offence punishable under Section 420 IPC on 12.09.2022 against one Najimunisha, a contract lecturer, alleging that she has collected fees from the students and the said crime is under investigation. The Police have called the petitioner thrice working as a Professor in the same College to the Police Station for enquiry. Police have also issued summon under Section 41A Cr.P.C on 16.07.2023 which are served on the petitioner on 17.07.2023 directing her to appear on the very same day. Aggrieved by the same, the present petition has been filed.

3. The petitioner earlier has filed a petition in Crl.O.P(MD).No. 19419 of 2022 before this Court seeking for similar direction, wherein, the learned Government Advocate (criminal side) appearing for the



respondents Police therein has reported that no complaint, no C.S.R and no F.I.R is pending against the petitioner. Taking that into one of the grounds, the petitioner has sought for directions.

4. The learned Government Advocate appearing for the official respondents, on the other hand, submits that the petitioner failed to appear in response to the summon issued under Section 41A of Cr.P.C.

5. According to the petitioner, summons were issued to her to appear on three occasions and that she has appeared accordingly. However, in response to the notice issued under Section 41A Cr.P.C, she has not appeared instead she has approached this Court. The petitioner should have appeared before the respondent police in response to the notice issued under Section 41A of Cr.P.C. The petitioner is expected to approach the respondent Police and submit her explanation either orally or in writing.

6. The learned Government Advocate reports that the respondents Police have no objection in case the petitioner appears before the respondent Police accompanying by her counsel during the course of enquiry.



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7. Considering the circumstances, this Criminal Original Petition is disposed of directing the petitioner to appear before the respondent Police on **30.07.2023** at 11.00 a.m., if necessary, along with her counsel in response to the notice issued under Section 41A of Cr.P.C.

Index : Yes/No
Internet : Yes/No
ssb

26.07.2023

To

- 1.The Superintendent of Police,
Pudukottai District,
Pudukottai.
- 2.The Inspector of Police,
Pudukottai Town Police Station,
Pudukottai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

ssb

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