



Crl.O.P.(MD) No.15408 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD) No.15408 of 2023

1.Dowlath Begam

2.Sulaimaan

3.Mohamed Washim

4.Naina Mohamed

... Petitioners

Vs.

1.The Superintendent of Police,
Sivagangai District.

2.The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.

3.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the 3rd respondent herein not to harass the petitioners.



Crl.O.P.(MD) No.15408 of 2023

WEB COPY

For Petitioners :Mr.K.Palmurugan
For Respondents :Mr.B.Thanga Aravindh
Government Advocate (crl.side)

ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking for a direction to the respondent police not to harass the petitioners under the guise of enquiry.

2.It is submitted by the learned counsel for the petitioners that the respondent police under the guise that a case is pending against the son of the petitioner Nos.1 and 2 have been harassing all the family members of the petitioners asking them to produce the son of the petitioner Nos.1 and 2, by name Mohamed Fazhil and therefore, sought for suitable directions.

3.The learned Government Advocate (Crl.side) submits that the son of the petitioner Nos.1 and 2 is involved in Crime No.270 of 2023 for the offences punishable under Sections 392 IPC, wherein the accused No.1, who was apprehended by the police has confessed that he along with two other persons including the son of the petitioner Nos.1 and 2 have committed the offence of



Crl.O.P.(MD) No.15408 of 2023

WEB COPY dacoity and extracted 4½ sovereigns of gold and a Car. It is submitted further that the Car was seized from the possession of the accused No.1 and the gold is to be recovered and the son of the petitioner Nos.1 and 2 is at large. Therefore, during the course of enquiry only, the petitioners were called for enquiry and they were not harassed.

4.Taking into consideration of the fact that the son of the petitioner Nos.1 and 2 is allegedly involved in a case and as there is a confessional statement of the accused No.1, the respondent police are at liberty to conduct the enquiry and investigate in respect of the said crime. However, the police are directed to follow the procedure in case if the presence of the petitioners is required during the course of investigation strictly.

5.With the above directions, this Petition is disposed of.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

01.09.2023

mm

3/5



Crl.O.P.(MD) No.15408 of 2023

WEB COPY

To

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



WEB COPY



Crl.O.P.(MD) No.15408 of 2023

DR.D.NAGARJUN. J.

mm

Crl.O.P.(MD)No.15408 of 2023

01.09.2023