



CrI.O.P.(MD)No.104 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.01.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD)No.104 of 2024

Dhayalan

...Petitioner

Vs.

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Deputy Superintendent of Police,
Sivagangai Circle,
Sivagangai.
3. The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
4. The Inspector of Police,
Madhagupatti Police Station,
Sivagangai District.
5. The Inspector of Police,
Velayuthapattinam Police Station,
Sivagangai District.

... Respondents



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Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondents not to harass the petitioner and his family members under the guise of enquiry.

For Petitioner : Mr.A.Karthik

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition had been filed seeking direction against the Respondents not to harass the Petitioner.

2. The learned Counsel for the Petitioner submitted that the Petitioner's son was arrested and remanded by the Respondents No.3 to 5.

3. The case of the prosecution is that the son of the Petitioner was involved in robbery cases, earlier also he was arrested and remanded.

4. The learned Additional Public Prosecutor submitted that the Petitioner's son was involved in five cases, viz., Crime No.242 of 2023



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before the Amathur Police Station for an offence punishable under Section 392 IPC, Crime No.108 of 2019 before the Madurai Othakadai Police Station for an offence punishable under Section 392 IPC, Sivagangai Taluk, Crime No.117 of 2023 before the Alaiyarkoyil Police Station for the offence punishable under Section 394 IPC, Crime No.48 of 2023 before the Velayuthapattinam Police Station for an office punishable under Section 395 IPC and Crime No.189 of 2023 before the Mathugapatti Police Station for an offence punishable under Section 395 IPC cases. With regard to investigation process, the Petitioner was summoned by the Respondent Police. Instead of appearing before the Respondents No.3 to 5, he had come forward by filing this Petition.

5. Considering the submission of the learned Counsel for the Petitioner and the learned Additional Public Prosecutor, the Petitioner is directed to appear before the respondents/police officials to assist them in the investigation as a Law-abiding citizen of this country .

5. In the light of the guidelines issued by the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in (2014) 2 SSC 1 and ***Arnesh Kumar Vs. State of Bihar and another [2014 (8) SCC 273]***, the respondents No.1 to 5, are directed to issue proper summon to the



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Petitioner, specifying the date and time and also they shall not harass the
Petitioner by calling him at odd hours without issuing any summon.

6. With the above said direction, this Criminal Original Petition is
disposed of.

05.01.2024

Index : Yes/No

Internet: Yes/No

jbr

To

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Deputy Superintendent of Police,
Sivagangai Circle,
Sivagangai.
3. The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
4. The Inspector of Police,
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SATHI KUMAR SUKUMARA KURUP, J.,

jbr

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

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