



Crl.O.P.(MD) No.489 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.489 of 2024

Maruthaiah

...Petitioner

VS

**1.The Superintendent of Police,
Sivagangai,
Sivagangai District.**

**2.The Inspector of Police,
Narcotic Drugs Prevention Wing,
Sivagangai,
Sivagangai District.**

...Respondents

**PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying, to direct the 2nd respondent not to harass the petitioner under the
guise of enquiry.**

For Petitioner : Mr.M.Mohan Gandhi

For Respondents : Mr.T.Senthil Kumar

Additional Public Prosecutor



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ORDER

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This Criminal Original Petition is filed to direct the 2nd Respondent not to harass the Petitioner under the guise of enquiry.

2.It is the contention of the learned Counsel for the Petitioner that the Petitioner had sold the vehicle bearing Reg.No.TN 22 GH 5724, which was seized by the Respondent Police alleging that the Car was involved in transporting Narcotic Drugs. The Petitioner has no link with the alleged offences. While so, the Petitioner was summoned by the Respondent Police at odd hours. Therefore, he was forced to file this Petition seeking directions against the Respondents.

3.The learned Additional Public Prosecutor vehemently objected to the line of arguments of the learned Counsel for the Petitioner stating that the Petitioner had sold the vehicle to third party. The vehicle was found transporting contraband. It was seized and a case was registered in that regard. From the investigation conducted, it reveals that the vehicle was originally sold to the Petitioner and after purchase, he sold the same to third



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party. Therefore, when the investigation is pending, the Petitioner was summoned by the Respondent Police. Instead of appearing before them, he had approached this Court. Therefore, this Criminal Original Petition is liable to be dismissed.

4.In the light of the above, the Respondent Police are directed to act as per the reported rulings of the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***(2014) 2 SSC 1*** and the case of ***Arnesh Kumar Vs. State of Bihar and another*** reported in ***2014 (8) SCC 273*** by issuing summons to the Petitioner fixing the time for his appearance and interrogation. The Petitioner is directed to appear for enquiry on receipt of fresh summons. Without issuing summons, the Respondent Police shall not disturb the Petitioner.

With the above directions, this Criminal Original Petition is disposed of.

Internet:Yes./No
Index:Yes/No
mm

11.01.2024

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To

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- 1.The Superintendent of Police,
Sivagangai,
Sivagangai District.
- 2.The Inspector of Police,
Narcotic Drugs Prevention Wing,
Sivagangai,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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