



Crl.O.P.(MD).No.2098 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

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Nagarajan

... Petitioner

Vs.

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

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

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

4.Sivakumar

5.Jayaprakash

6.Maruthu

7.Krishnamoorthy

8.Alagu

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the Respondents 3 to 8 not to harass the Petitioner and his family members under the guise of enquiry without following due process of law.



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For Petitioner : Mr.R.Murugappan

For R-1 to R-3 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition seeking direction against the Respondents 3 to 8 not to harass the Petitioner and his family members under the guise of enquiry without following due process of law.

2. It is the contention of the learned Counsel for the Petitioner that the Petitioner is a politician. He is an executive member of Scheduled caste wing of Tamil Nadu BJP political party and also Local Body Development Supervisor of BJP party in Sivagangai District. It is his further contention that the Respondents 4 to 8, who are impleaded in their personal capacity in this petition and who are serving as Police officers in Sivagangai District, had trespassed into the house of the Petitioner at odd hours and conducted search in the house. Also they warned the woman family members of the Petitioner without any woman police officer accompanying the team. Therefore, the Petitioner was forced to file this petition seeking direction against the respondents not to harass the Petitioner and his family members under the guise of an enquiry.



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3. The learned Additional Public Prosecutor on instructions from the Respondents 1 to 3 would submit that the Petitioner is a history sheeter. Various cases had been registered against him and pending with the Tirupuvanam Police Station. Instead of agitating the opening of history sheet, the Petitioner has filed this petition seeking not to harass him. Therefore, the present petition itself is not maintainable.

4. Considering the submission of the learned Additional Public Prosecutor, this Court is of the view that still the conduct of the Respondents in entering the house of the Petitioner at odd hours without woman police force is objectionable in the light of the Hon'ble Supreme Court ruling ***D.K.Basu vs. State of West Bengal*** reported in [AIR (1997) SC 610]. Therefore, the Respondent Police are warned that in future if they intend to search any house when the accused is residing with the women family members, they shall conduct it in such a manner that the police force is not put to controversies.

5. Hence, this Criminal Original Petition is closed.

12.02.2024

NCC:yes/no
Index:yes/no
Internet:yes/no

<https://www.mhcv.in/judis>



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



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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