



Crl.O.P.(MD)No.2782 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.2782 of 2024

Usen Ali

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Dindigul District.

2. The Inspector of Police,
CSCID Police Station.
Dindigul District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the Respondents not to harass the Petitioner by compelling him to execute the bond under Section 110 Cr.P.C without any valid reason.

For Petitioner : Mr.SMA Jinnah

For Respondents : Mr.M.Veeranthiran
Government Advocate (Criminal side)



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CrI.O.P.(MD)No.2782 of 2024

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition seeking direction against the Respondent Police not to harass the Petitioner to execute the bond under Section 110 of Cr.P.C.

2. The learned Counsel for the Petitioner also submitted that there is no recent cases registered against the Petitioner. While so, the Respondent Police are summoning the Petitioner often to execute the bond under Section 110 of Cr.P.C before the Tahsildar, Dindigul. Therefore, the Petitioner seeking direction against the Respondent Police not to harass the Petitioner to execute the bond under Section 110 of Cr.P.C.

3. The learned Government Advocate (Criminal side) also had filed the details of the criminal cases pending against the Petitioner. It is his further submission that the Petitioner is a history sheeter in H.S.No.5 of 2017. There are five cases pending against the Petitioner. Also, the learned Government Advocate (Criminal side) furnished the details of the cases registered as F.I.R in Crime Nos.192 of 2016, 198 of 2016 and 147 of 2017.

Further, he submitted that the Petitioner herein used to purchase Rice from the card holders under the consumer card of Tamil Nadu Civil Supply



Crl.O.P.(MD)No.2782 of 2024

Corporation and illegally transferred the Rice to the Kerala. Therefore, the Crime No.198 of 2016 is under Tamil Nadu Scheduled Commodities (RDCS) Act. To the query of this Court, whether any recent case registered against the Petitioner in the past five years, the learned Government Advocate (Criminal side) is unable to give details, what had been provided is prior to 5 years. Therefore, a history sheet cannot be continued forever, when there are no pending cases. For the past cases, the Petitioner has to obtain appropriate order by filing a petition.

4. For the present, since there is no recently registered case against him, the Respondents are directed not to harass the Petitioner. If at all the Petitioner is required in any case, the Respondent shall follow 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]***, by issuing summon to the Petitioner specifying the date and time for the appearance of the Petitioner.



Crl.O.P.(MD)No.2782 of 2024

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

22.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
jbr

To

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Dindigul District.
2. The Inspector of Police,
CSCID Police Station.
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.2782 of 2024

SATHI KUMAR SUKUMARA KURUP, J.,

jbr

Crl.O.P.(MD)No.2782 of 2024

22.02.2024