



Crl.O.P.(MD)No.3221 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

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1. A.Karutha Pandi

2. A.Pandi

...Petitioners

Vs.

1. The Superintendent of Police,
Theni District.

2. The Deputy Superintendent of Police,
Periyakullam,
Theni.

3. The Inspector of Police,
Jeyamangalam Police Station,
Periyakullam,
Theni.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to the Respondents not to harass the Petitioner under the guise of an enquiry.

For Petitioners : Mr.P.Ramadoss

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)



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ORDER

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The learned Counsel for the Petitioners submitted that the Petitioners had filed this petition seeking direction against the Respondent Police not to harass the Petitioners under the guise of an enquiry.

2. The learned Counsel for the Petitioner submitted that there was a murder during the "Mariyamman Temple" festival at Sindhuvampatti on 11.10.2023. It was a sudden riot between two community people belonging to two villages. The deceased person was identified as Irulandi. Based on the murder, the third Respondent had registered a case in Crime No.261 of 2023. The Petitioners here in are brothers and they are daily wagers. Even though, the name of the Petitioners are not found in the F.I.R, the third Respondent was calling them on mobile phone and directing the Petitioners to appear before the Respondents No.1 to 3. Due to the insistence of the Respondents No.1 to 3, the Petitioners are unable to go for their daily wage work which affects their family members. The family members of the Petitioners depends only on the wages of the Petitioners. Therefore, the Petitioners seeks direction against the Respondent Police not to harass them under the guise of an enquiry.

3. The learned Government Advocate (Criminal side) on instructions



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from the Respondents No.1 to 3 submitted that as per the investigation, till date, the Petitioners are alleged to have held the hands of the deceased Irulandi, at the time of the attack by the aggressors and he was brought dead to the hospital. Totally, 27 persons were arrested and granted bail. The learned Government Advocate (Criminal side) further submitted that only the person connected with the Petitioners herein is absconding, who is the relative of the Petitioners. Therefore, the Petitioners are duty bound to co-operate with the pending investigation. Except the one Balakrishnan, all others are arrested, remanded and granted bail.

4. Considering the submissions of the learned Counsel for the Petitioner and the learned Government Advocate (Criminal side) and on perusal of the F.I.R, it is found that the name of the eight persons were mentioned along with others. The name of the said Balakrishnan is mentioned as A-5. Considering that the Petitioners herein are the nephews of the said Balakrishnan, the Petitioners shall co-operate with the pending investigation. The apprehension of the Petitioners is found unreasonable, since the Investigation Officer clearly mentioned that they are searching for the said Balakrishnan.

5. In the said crime committed in the place of the Petitioners, if the



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Petitioners have knowledge or otherwise, the Investigation Officer when has reasons to believe that the Petitioners as residence of the village may be able to provide details, there is nothing wrong with the Investigation Officer seeking co-operating of the Petitioners herein.

6. In the light of the above and 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) and *Arnesh Kumar Vs. State of Bihar and another [2014 (8) SCC 273]*,, the Respondents No.1 to 3 are directed to issue summons to the Petitioners specifying the time and date for the appearance of the Petitioner, so that their lively hood is not affected. The Petitioners as a citizen of this Country are duty bound to co-operate with the Respondent Police regarding detection of crime and investigation into the crime. The Petitioners are directed to co-operate with the pending investigation.

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

29.02.2024

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



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To

1. The Superintendent of Police,
Theni District.
2. The Deputy Superintendent of Police,
Periyakullam,
Theni.
3. The Inspector of Police,
Jeyamangalam Police Station,
Periyakullam,
Theni.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.,

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