



Crl.O.P.(MD)No.18985 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18985 of 2024

E.Muthuselvam

: Petitioner

Vs.

1.State of Tamil Nadu rep., by
The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Seethapranallur Police Station,
Tirunelveli District.

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the respondent police not to harass the petitioner.

For Petitioner : Mr.D.Venkatachalam

For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

This criminal original petition has been filed to direct the
respondent police not to harass the petitioner.

2. It is the contention of the petitioner that in the year 2021, the
petitioner has been falsely implicated in the case in Crime No.543 of 2021



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as he accompanied the accused persons and after completion of investigation, the case is culminated as S.C.No.394 of 2023. In that case, the petitioner is regularly appearing before the trial Court. Thereafter, the petitioner has not committed any offence, but, the special police team had forcibly took the petitioner from his house and kept him under illegal custody in a remote forest building and also attacked him. Thereafter, false criminal case was registered against him at Seethaparpanallur police station. In that case, the petitioner was released on bail. Thereafter, the petitioner got marriage and he is leading a peaceful life and he also snapped all friendships. Now, again, under suspension, on 18.10.2024, the police officials claiming a special police team entered into the petitioner's house and involved in searching the petitioner with regard to the theft of copper wire from the Suriya Electric Company and also threatened his pregnant wife and aged parents. The petitioner apprehending that he may be falsely implicated in criminal offence and also apprehends his life and limb, sent a representation to the first respondent, on 24.10.2024, however, no action has been taken so far. Hence, this petition. He further submitted that he has not involved in any offence and his wife is at the stage of pregnancy.



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3. The learned Government Advocate (Crl.side) opposed the petitioner's contention and submits that the petitioner is a habitual offender. The petitioner along with friends have been committing the offence of robbery. The Surya Electric Company lodged a complaint that copper fire of the company have been theft. Based on the complaint, case was registered in Crime No.226 of 2024 and several persons were enquired. Statements are recorded. From the recording of CCTV, it is confirmed that the petitioner along with other accused had committed the theft. Only after confirming his identity, the police had gone to the petitioner's house for enquiry, it cannot be construed as harassment.

4. Considering the above submission, the petitioner is the suspecting accused in Crime No.226 of 2024, for which, the police involved in searching the petitioner and now, whereabouts the petitioner is not known. In such circumstances, the question of harassment cannot be accepted. Accordingly, this Criminal Original Petition is dismissed.

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NCC : Yes/No
Index : Yes / No
Rmk



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M.NIRMAL KUMAR,J.

Rmk

To

- 1.The Superintendent of Police,
Tirunelveli District.
- 2.The Inspector of Police,
Seethapranallur Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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