



Crl.O.P.(MD)No.19256 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19256 of 2024

Kalaiselvi

... Petitioner

Vs.

1.State of Tamil Nadu,
The Commissioner of Police,
Trichy City,
Trichy.

2.The Inspector of Police,
Ponmalai Police Station,
Trichy District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the second respondent not to harass the petitioner and her family members under the guise of enquiry and consider the petitioner's representation dated 15.10.2024.

For Petitioner : Mr.V.Vijayendran

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

The petitioner, who is the mother of Kamalakannan, submitted a representation to the respondent Police on 15.10.2024, stating that she resides with her son and daughter at No.2, Nagammai Street, Melakalkandar Kottai, Trichy District. She acknowledged that her son had been involved in some criminal cases. He was previously remanded to judicial custody by the Vaipar Police in Thiruvathavoor and was later, acquitted of all charges. After his release from prison, however, he ceased to maintain contact with her.

2. In this context, Police personnel attached to the second respondent Police Station have frequently come to the petitioner's house, knocking at her door and asking for her son. On 14.10.2024, the second respondent visited her house under the guise of an enquiry, summoned the petitioner and her family members to the Police Station, and detained them there from morning until night. During this time, they were harassed and repeatedly questioned about the whereabouts of her son. As a result, the petitioner has filed the present petition.



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3. The learned Additional Public Prosecutor submitted that the petitioner's son, Kamalakannan, is listed at the address No. 4/1, Nagammai Street, Melakalkandar Kottai, Trichy District, in Special Sessions Case No.41 of 2023, in which he is facing trial for offences under Sections 302, 147, 148, and 120B of the Indian Penal Code and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Furthermore, a non-bailable warrant of arrest has been issued against the petitioner's son, and in order to execute this warrant, the second respondent Police went in search of him. The case is currently pending trial for the execution of the non-bailable warrant, and the trial Court is pressuring the Police to execute the warrant due to the statutory time limit for disposing of cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The respondent Police, having no other alternative, were compelled to search for the petitioner's son. Furthermore, the petitioner's son has pending cases in Crime Nos.201 of 2019, 16 of 2020, and 338 of 2020, all of which are serious in nature.



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4. Considering the above said submissions and on perusal of the non-bailable warrant issued by the Special Court under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in Special Sessions Case No.41 of 2023, this Court finds that the efforts made by the respondent Police in searching for the petitioner's son to execute the non-bailable warrant cannot be termed as harassment. Accordingly, this Criminal Original Petition is dismissed.

11.11.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The Commissioner of Police,
Trichy City,
Trichy.
- 2.The Inspector of Police,
Ponmalai Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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