



Crl.O.P.(MD)No.1436 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1436 of 2025

1.P.Selvaraj
2.S.Thagabhai
3.S.Reghu
4.R.Sandya

.. Petitioners

Vs.

1.The Superintendent of Police,
Kanyakumari at Nagercoil,
Kanyakumari District.

2.The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the second respondent not to harass the petitioners on the basis
of the representation dated 11.12.2024.

For Petitioner : Mr.S.Jebastin

For Respondents : Mr.K.Sanjai Gandhi

No.1& 2 Government Advocate(Crl.Side)



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ORDER

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The petitioners have filed this petition seeking a direction to the second respondent not to harass the petitioners on the basis of the representation dated 11.12.2024.

2.The learned counsel for the petitioners submits that the third respondent is the son of the first and second petitioners and the husband of the fourth petitioner. The third respondent in his younger age due to misguidance, has got into bad friendship and involved in four criminal cases. Presently, he had been relieved from all the four cases and he has got no criminal case against him as on date. In such circumstances, the second respondent is knocking the doors of the petitioners' house at hard hours and the same is not proper. Hence, the above petition.

3.The learned Additional Public Prosecutor appearing for the respondent police submitted that the third respondent has got previous cases and he is a history sheeted rowdy in H.S.No.39 of 2015. Since the third respondent is a history sheeted rowdy element, to monitor over him and his movement, the respondent police is used to visit the house of the petitioners and it cannot be termed as harassment.



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4.I have considered the submissions made on either side and perused the materials available on record.

5.Admittedly, the third respondent, who is the son of the first and second petitioners and husband of the fourth petitioner, is a history sheeted rowdy and four cases were registered against him. All the cases are now ended. As on date no case is pending against the third respondent. In view of the above, subsistence of H.S.No.39 of 2015 would not be proper. However, there is a procedure to close the history sheet and it has not been done by the respondent police so far.

6.In view of the above, the first respondent is directed to take appropriate steps to close H.S.No.39 of 2015, if not required further and if no extension order is obtained earlier. Further, the second respondent's visit to the petitioner's house to check the whereabouts of the third petitioner cannot be termed as harassment, since as on date he is a history sheeter in H.S.No.39 of 2015.



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

28.01.2025

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

1. The Superintendent of Police,
Kanyakumari at Nagercoil,
Kanyakumari District.
2. The Inspector of Police,
Arumanai Police Station,
Kanyakumari 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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