

Crl.O.P.(MD)No.13143 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.13143 of 2025

Kannan

... Petitioner

Vs.

1.The Superintendent of Police,
SP Office, Kanyakumari District.

2.The Deputy Superintendent of Police,
DSP Office, Kanyakumari District.

3.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to direct the first respondent not to harass the petitioner in connection with Crime No.154 of 1997 and PRC.No.16 of 2018 pending on the file of the Judicial Magistrate, Padmanabhapuram.

For Petitioner : Mr.S.Selvakrishnan

For Respondents : Mr.P.Kottaichamy,
Government Advocate(Crl.side)



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ORDER

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The petitioner has approached this Court that the respondent Police has wrongly fixed him as an accused in Cr.No. 154 of 1997 and also filed the final report in PRC.No.16 of 2018 before the learned Judicial Magistrate, Padmanabhapuram and they are harrasing him.

2.The learned counsel appearing for the petitioner submits that the case in Cr.No.154 of 1997 was registered by the third respondent Police for the offences under Sections 394 r/w 397, 506(ii) IPC, on the complaint of one Selvin Semraj dated 14.03.1996. One Kanna @ Kannan, S/o.Krishnan was added as an accused. According to the learned counsel for the petitioner, the petitioner herein is the son of Thangappan and the respondent Police has mistakenly identified and is searching for the petitioner and also harassing him.

3.The learned Government Advocate(Crl.side) appearing for the respondents submits that the petitioner is the wanted accused in Cr.No.154 of 1997 and he is arrayed as A4. The final report has been filed in the year 2018 and the case could not be committed

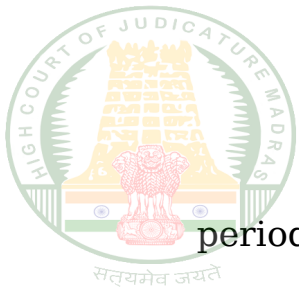


for want of this petitioner and non-bailable warrant is also pending for several years. A proclamation order has also been passed as against the petitioner and the same was also published. He further submits that the petitioner's name is Kannan and his father is called Krishnan and his name is Thangappan. Taking advantage of the same, the petitioner is evading the process and he is absconding for the past seven years and in view of the same, the case in PRC.No.16 of 2018 could not be committed.

4.This Court has considered the submissions made on either side and perused the available records.

5.The petitioner claims that he is not an accused in Cr. No.154 of 1997 and the accused in one Kanna @ Kannan, S/o.Krishnan. The petitioner is son of Thangappan. However, the respondent Police confirmed that he is A4 in Cr.No.154 of 1997. The petitioner has to establish the same before the trial Court, only after surrender before the trial Court. It is also reported that proclamation order has also been ordered.

6.Therefore, the petitioner is at liberty to surrender before the learned Judicial Magistrate, Padmanabhapuram, within a



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period of two weeks from the date of receipt of a copy of this order and to establish his case that he is not A4 in Cr.No.154 of 1997.

The learned Magistrate, after providing an opportunity of hearing to the respondent, shall take a call on the application to be filed by the petitioner as to whether remand him or not. It appears that the case of dacoity is pending without committal for the past seven years. In the event, if the petitioner fails to surrender within the stipulated time, the respondent Police shall secure him, without any further delay. Accordingly, this criminal original petition is disposed of.

06.08.2025

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

1.The Judicial Magistrate,
Padmanabhapuram.

2.The Superintendent of Police,
SP Office, Kanyakumari District.

3.The Deputy Superintendent of Police,
DSP Office, Kanyakumari District.

4.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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