
(2014) 10 MAD CK 0223
In the Madras High Court
Case No : Writ Petition No. 16747 of 2014

A. Prem Nazeer

APPELLANT

Vs

The Tamil Nadu State

RESPONDENT

Date of Decision : 13-10-2014

Acts Referred:

Constitution of India, 1950 — Article 21

Citation : (2014) 10 MAD CK 0223

Hon'ble Judges : M. Venugopal, J

Bench : Single Bench

Judgement

M. Venugopal, J.—The Petitioner has preferred the instant Writ of Mandamus, praying for passing of an order by this Court, directing the respondents and their subordinates from harassing him and their family members without due process of law and to ensure the Petitioner's Personal liberty guaranteed under Article 21 of the Constitution of India.

2. According to the Petitioner, one Sharfudeen (2nd Respondent in I.P. No. 44 of 2014, on the file of Sub Court, Tiruchirapalli) attacked his brother Jahangir brutally with the help of Goondas, for non-payment of hand loan. Hence, Singanallur Police, Coimbatore City, registered a case against the said Sharfudeen and his henchmen in Crime No. 592 of 2014 and the same is pending.

3. The plea taken on behalf of the Petitioner is that the Respondents 4 and 5 called the Petitioner over Mobile Phone and state that Sharfudeen (Accused in Crime No. 592 of 2014) made a complaint with them, alleging that his brother cheated them and refused to repay the hand loan.

4. The principal stand taken on behalf of the Petitioner is that the Respondents 4 and 5 used unparliamentary words against him and his family members and further purposely tortured with a view to settle the borrowed amount by his younger brother, who has purposely cheated the defacto complainant. As such, they are mentally affected and they are not in a position to led their life in a

peaceful manner.

5. Per contra, Mr. V. Muruganandam, the Learned Additional Government Pleader appearing for the Respondents 1 to 5 strenuously contents that it is incorrect to state that the Respondents 4 and 5 are harassing the Petitioner in any manner. Further, it is also brought to the notice of this Court on behalf of the Respondents 1 to 5 that no talks of "Kat Panchayat" had taken place and also there is no room to indulge in an action of "Kat Panchayat" by the Respondents 4 and 5.

6. The said stand taken on behalf of the Respondents 1 to 5 is hereby recorded by this Court. Further, this Court directs the Respondents 4 and 5 to issue notice to the Petitioner, in terms of Criminal Procedure Code to the Petitioner, in case the Petitioner is required to be enquired into with regard pending complaint against him, by specifying the time and date in writing.

7. With the aforesaid directions, this Writ Petition is disposed of. No costs.