



Crl.O.P.No.18988 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.18988 of 2025

K.Sivakumar

... Petitioner

Vs.

1. The Commissioner of Police,
O/o.Commissioner of Police,
Vepery, Chennai.
2. The Deputy Commissioner of Police,
O/o.Deputy Commissioner of Police,
Kilpauk District.
3. The Inspector of Police,
All Women Police Station,
Kilpauk, Chennai District.
4. Anitha Udayakumar

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to direct the respondents not to harass the petitioner in the name of any enquiry and to consider the petitioner's representation dated 21.06.2025 to the respondents and for other consequential orders.



WEB COPY



Crl.O.P.No.18988 of 2025

For Petitioner : Mr.R.Singaravelan
Senior Counsel for
Mr.T.Elumalai

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)
for R1 to R3

ORDER

The Criminal Original Petition is filed seeking a direction to the respondents-Police not to harass the petitioner in the name of any enquiry and to consider the petitioner's representation dated 21.06.2025 and for other consequential orders.

2. Learned Senior Counsel appearing for the petitioner submitted that without issuing summons, the petitioner was called for enquiry and when he appeared before the third respondent-Police, he was treated in an extremely cruel and vulgar manner and also they have threatened and forced the petitioner to write a statement saying that the petitioner would vacate the house immediately. Though the third respondent Police, in the name of enquiry, is constantly harassing the petitioner, the petitioner is constrained to file the present petition.



Crl.O.P.No.18988 of 2025

WEB COPY 3. Learned Government Advocate (Crl.Side) appearing for the respondents 1 to 3, on instructions, submitted that the petitioner himself appeared before the third respondent-Police and gave a letter saying that he would vacate the house immediately. During the course of arguments, when this Court questioned the investigating officer, who appeared before this Court today, as to whether the summons were served on the petitioner for enquiry or not, for which, no answer is forthcoming. Therefore, *prima facie*, it reveals that without following the due process of law, the petitioner was called for enquiry by the third respondent-Police and he was made to run from pillar to post under the guise of enquiry. Therefore, this Court is inclined to allow the present petition. The respondents-Police are directed to not to harass the petitioner under the guise of enquiry. If at all, they have received any complaint against the petitioner, after following the due process of law, they can enquire the petitioner. However, if the investigating officer failed to follow the due process of law, criminal action would be taken against the said investigating officer.



CrI.O.P.No.18988 of 2025

4. With the above observations, the Criminal Original Petition is

allowed.

08.07.2025

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

ms

To

1. The Commissioner of Police,
O/o.Commissioner of Police,
Vepery, Chennai.
2. The Deputy Commissioner of Police,
O/o.Deputy Commissioner of Police,
Kilpauk District.
3. The Inspector of Police,
All Women Police Station,
Kilpauk, Chennai District.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



CrI.O.P.No.18988 of 2025

P.VELMURUGAN, J

ms

CrI.O.P.No.18988 of 2025

08.07.2025