



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 18651 of 2026

and

CrI.M.P.No. 12394 of 2026

N.Babu,
S/o.S.Narayanasamy,
Plot No.8, Thara Bharathi Street,
Jaya Nagar,
Puzhuthivakkam,
Chennai - 600 091.

..Petitioner(s)

Vs

1. The State rep by,
The Inspector of Police
T-14, Pallikaranai Police Station,
Chennai - 600 100.
2. S.J.Neeraja
W/o.N.M.Janardhanun,
Vignesh Babu Apartments,
Plot No.1 & 2, C Block, F-2,
Thulukanathamman Koil Main Road,
Sai Balaji Nagar, Pallikaranai,
Chennai - 600 100.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the Notice dated 25.06.2026 vide R.C.No.588 of DC PLK/COP Tapal/2026, C.No.642/AC SLR/COP Tapal/2026 and C.No.77/T14 PS X/Cop-Tapal/2026 on the file of the 1st Respondent herein and quash the same and thus render Justice.



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For Petitioner(s):

Mr.M.Santhanaraman

For Respondent(s):

Mr.M.Mohamed Riyaz

Government Advocate (Crl. Side) for R1

ORDER

The Criminal Original Petition is filed challenging the notice dated 25.06.2026 on the file of the 1st respondent Police.

2. The learned counsel for the petitioner would submit that there is a dispute between the petitioner as well as the 2nd respondent. The petitioner is a builder as the second respondent is the landlord and there is a joint venture agreement entered into between the petitioner and the second respondent. There are already disputes between the petitioner and the second respondent which is already referred to arbitration. While so, the 1st respondent Police is now calling pursuant to the impugned summons and thereafter, threatening the petitioner to settle the issue. When the matter is pending in arbitration, the Police cannot interfere in a civil matter.

3. When the matter came up for hearing, the Government Advocate (Criminal Side) would submit that the 2nd respondent has lodged a complaint with reference to one of the agreements stating that the same is forged. It is also submitted that there is an expert report, confirming that it is a forged agreement.



Therefore, the said complaint is treated as a petition and it is only for the preliminary enquiry, the petitioner is called for.

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4. I have considered the rival submissions made on either side and perused the material records of the case.

5. The impugned summons mentions wrong provisions of law i.e., Section 179 and 72 of BNSS, which are erroneous as far as the preliminary enquiry is concerned. As per Section 173(3), with the prior permission of the Deputy Superintendent of Police, within 14 days of a receipt of a complaint, the Police Officer can call any person for enquiry for ascertaining whether there is any *prima facie* case with reference to any complaint with relating to the offences punishable between 3 years to 7 years. When such an exercise is being undertaken, since the petitioner is the proposed accused, if the petitioner wants, the petitioner can appear before the respondent and give such information in his favour. It is submitted that the petitioner has already appeared. If the petitioner does not want to appear any further, it is for the Investigating Officer to complete the enquiry and come to the conclusion and proceed further in the matter and, the petitioner will be entitled to take such steps in the manner known to law, even if any adverse action is taken against him.

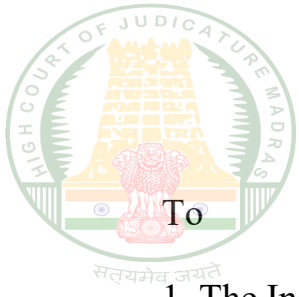


6. With the aforesaid observation and recording that it is only the wish of the petitioner to appear in the preliminary enquiry that is supposed to be conducted pursuant to the summons, the Crl.O.P.No. 18651 of 2026 stands disposed of. Consequently, connected miscellaneous petition is closed.

15-07-2026

Neutral Citation: No

KKN



To

1. The Inspector of Police
T-14, Pallikaranai Police Station,
Chennai - 600 100.

2. The Public Prosecutor,
High Court of Madras, Chennai.



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D.BHARATHA CHAKRAVARTHY, J.

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