



Crl.O.P.No.19875 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:20.08.2024

Coram:

THE HONOURABLE MR.JUSTICE M.NIRMALKUMAR

Crl.O.P.No.19875 of 2024

Vengatesan

.. Petitioner

/versus/

1.The Superintendent of Police,
Kallakurichi District.

2.The Deputy Superintendent of Police,
Kallakurichi District.

3.The Inspector of Police,
PEW Kallakurichi Police Station,
Kallakurichi District.

.. Respondents

Criminal Original Petition has been filed under Section 528 of BNSS, to direct the 1 to 3 respondents to not to harass the petitioner except due process of law and pursuant consider the representation dated 18.07.2024.

For Petitioner :Mr.T.Balachandran
For Respondents :Mr.S.Udaya Kumar,
Govt. Advocate (Crl.Side),



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ORDER

The petitioner has sent a complaint to the 1st respondent police on 18.08.2024 alleging that the respondent police are harassing and threatening him stating that he has committed the prohibitory offence.

2. According to the petitioner, he has two children. Earlier the petitioner had been working as a sugarcane broker for the past few years. The petitioner left the business due to ill-health. After that, the petitioner is doing agriculture work and maintains 15 cow for the past 2 years and income from it is used for his sons' education and other household expenses. This being so, on the contrary, the respondent police harassing and threatening the petitioner alleging the petitioner is selling illicit arrack. Hence, he filed this petition seeking not to harass.

3. The learned Government Advocate (crl.side) submitted that the petitioner habitual offender of selling liquor and to his credit, has two previous cases viz., Crime No.337 of 2016 and Crime No.285 of 2020



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pending against him. Presently, a case registered against the petitioner in Crime No.3 of 2024 for the offences under Sections 341, 353 and 506(i) of IPC and the petitioner was called for enquiry through phone with regard to Crime No.3 of 2024. The learned Government Advocate (Crl.Side) fairly submitted that written notice under Section 41A of Cr.P.C was not served.

4. Considering the submissions on either side and on perusal of the records, it is seen that without sending notice under Section 41A of Cr.P.C., the respondent police summon him for enquiry. Hence, the respondent police to send 41A notice to the petitioner calling him to appear for enquiry. On receipt of such notice, the petitioner shall appear before the respondent police and participate in the enquiry. Accordingly, this Criminal Original Petition is disposed of .

20.08.2024

Index:yes/no
Neutral citation:yes/no
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To:

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Kallakurichi District.
- 2.The Deputy Superintendent of Police,
Kallakurichi District.
- 3.The Inspector of Police,
PEW Kallakurichi Police Station,
Kallakurichi District.
- 4.The Public Prosecutor,
High Court, Madras.



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M.NIRMALKUMAR, J.

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