



Crl.OP.No.22828 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

**THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR**

**Crl.OP.No.22828 of 2024**

1.U.Saravanan  
2.S.Umamaheswari

... Petitioners

Vs.

The Inspector of Police  
O/o. Inspector General of Police,  
Metro Wing-1, CBCID,  
Egmore, Chennai-8

... Respondent

**PRAYER:** Criminal Original Petition is filed under Section 528 of BNSS to direct the respondent police not to harass the petitioner, without following due process of law under Cr.P.C. on the enquiry pending on the file of the respondent police.

For Petitioners : Mr.P.K.Ganesh

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



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## **ORDER**

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The petitioners, a husband and wife, have filed this petition stating that they have been unnecessarily harassed by the respondent/police without any reason and have been kept in the police station for hours without any purpose.

2. The contention of the petitioners is that the 1st petitioner's sister lodged a complaint against the petitioners before the H-2, Guduvancherry police station and a case registered in Crime No.94/2022 dated 21.03.2022 for offense under Sections 341 and 302 IPC. Earlier, one Umapathy, father of the 1st petitioner lodged a complaint against the petitioners on 09.03.2021 before the same police station and case a in crime No.319 of 2021 registered for offence under Sections 147 148, 324, 366, 387 427 & 506(ii) IPC. The petitioners were granted anticipatory bail in Crime No.319 of 2021 by this Court in Crl.OP.No.14450 of 2022 on 23.06.2022. As regards the case in Crime No.94/2022, the 1st petitioner was arrested along with four others and the Principal Sessions Judge granted bail in Crl.MP.No.1963 of 2022 on 10.06.2022 considering the 1st petitioner's period of detention of 80 days. As regards the 2nd petitioner, she obtained an anticipatory bail in Crime No.94 of 2022 by this Court on 15.06.2022 in Crl.OP.No.13760 of 2022.



3. This being so, at the instance of the 1st petitioner's sister who had approached this Court by filing a direction petition in Crl,OP.No.685 of 2022, both cases have now been transferred to the file of the CBCID. On 10.08.2023, the CBCID registered FIR in Crime No.9 of 2023 for offence under Sections 147, 148, 324, 366, 387, 427 and 506(ii) of IPC and FIR in Crime No.10 of 2023 for offence under Sections 341 and 302 of IPC. The contention of the petitioner is that after transfer of the cases to the CBCID, the petitioners have been unnecessarily harassed.

4. The learned Government Advocate (Crl.Side) strongly oppose the petitioners' contention stating that the 1<sup>st</sup> petitioner had murdered his father for property and had also attempted to dispose of the property. The 2nd petitioner had played an important role in screening the offense. The 1st petitioner's sister filed a complaint and also approached this Court in Crl.OP.No.685 of 2022, stating that the Guduvancherry Police were investigating both cases in a lackadaisical manner. Thereafter, at the instance of this Court, both cases were transferred to the file of the CBCID. The petitioners have been called by the CBCID only for the purpose of investigation. Further, when the petitioners obtained bail, one of the condition was that they shall appear before the police and cooperate with the



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investigation. For this purpose, the petitioners have been called and this cannot be termed as a harassment.

5. Considering the submissions and the fact that the petitioners are accused in two cases, namely, Crime Nos. 9 and 10 of 2023 and the CBCID is investigating the matter, the petitioners/ accused ought to cooperate with the investigation. As per the conditions of the bail order the petitioners gave an undertaking that they shall appear before the respondent police for investigation. Hence, this Court finds no case of harassment.

6. Accordingly, the above Crl.O.P.No.22828 of 2024 stands dismissed.

**18.09.2024**

Index : Yes/No  
Internet: Yes/No  
Speaking order/Non-Speaking order  
Neutral Citation : Yes/No  
(shr)

To  
The Inspector of Police  
O/o. Inspector General of Police,  
Metro Wing-1, CBCID, Egmore, Chennai-8.



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**M.NIRMAL KUMAR, J.,**

(shr)

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