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CrI.O.P.No.24263 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.24263 of 2024

M.Ilangovan

... Petitioner

Vs.

1.The Inspector of Police,
District Crime Branch – II,
Mayiladuthurai.

2.The Superintendent of Police,
Superintendent Office,
Mayiladuthurai

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./ 528 BNSS, pleaded to direct the 1st respondent not to harass the petitioner on the guise of an enquiry without supplying the contents of the complaint if any against the petitioner.

For Petitioner : Mr.J.Chandran Sundar Sashi Kumar
for Ms.V.Mythili

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (CrI.Side)

ORDER

The petitioner herein, who had received summon dated 11.09.2024 from the respondent police in a complaint No.97/DCB-II/DSP/MLD/2024, dated 28.08.2024, is before this Court alleging that



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the respondent police is harassing him by causing summons.

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2. In fact, the reading of the summon indicates that the complaint from one Venkatesan alleging against the petitioner for cheating been received by the District Crime Branch, Mayiladuthurai and on preliminary enquiry, the petitioner been called to appear on 16.09.2024 before the Inspector of Police, DCB-II. The petitioner had not appeared in response to the summons, but sent a letter of explanation stating that non disclosure of the complaint deters him from appearing in enquiry and he is going to approach the Court of law in this regard. Followed by this letter, the petitioner has sent a letter dated 10.09.2024 seeking details of the complaint given by Venkatesan. In this petition, by way of an affidavit, the petitioner states that on an earlier complaint of Venkatesan at Sembanar police, the complainant obtained three cheques from him under threat and therefore, when the DCB police, Mayiladuthurai called for enquiry, he sought for details of the complaint.

3. The learned Government Advocate (CrI.Side) appearing for the respondent police states that the complaint from Venkatesan is about cheating of Rs.25 lakhs by the petitioner. In this regard, preliminary



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enquiry has to be conducted. Without participating in the enquiry, the petitioner is staying away from enquiry making allegations, which is unconnected with the respondent police.

4. This Court finds that the petitioner who had received summons ought to have appeared before the police for enquiry and should have placed the material available with him in connection with the complaint. Having failed to participate in the enquiry, the present petition to prevent the police from conducting enquiry cannot be entertained. Hence this Criminal Original Petition is dismissed.

03.10.2024

Index : Yes/No
Neutral Citation : Yes/No
rpl

To

1.The Inspector of Police,
District Crime Branch – II,
Mayiladuthurai.

2.The Superintendent of Police,
Superintendent Office, Mayiladuthurai

Dr.G.JAYACHANDRAN,J.

rpl



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

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