



WEB COPY



Crl. O.P.No.26043 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.26043 of 2024

S.Venkat Krishnan

.. Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai – 600 007.

2.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Anna Nagar District, Chennai – 600 040.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS,
to direct the second respondent police not to harass the petitioner.

For Petitioner : Mr.N.Srinivasan

For Respondents : Mr.S.Udaya Kumar
Government Advocate

ORDER

The petitioner herein alleging that the respondent police under the
guise of enquiry, harassing him without disclosing any facts for which he
summoned.



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2. The learned counsel appearing for the petitioner refers to the summons issued to the petitioner by the Deputy Commissioner of Police, Anna Nagar, Chennai dated 16.10.2024, calling upon the petitioner herein to appear for enquiry on 17.10.2024 at 04.00 p.m., for the purpose of enquiry. However, the said summon is bereft of details and bald as baldness could be. The three line summons does not indicate what is the petition to be enquired and who is the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police has filed counter affidavit wherein it is stated that the petition given by one Swathi on 05.10.2024 alleging that the petitioner Venkata Krishnan has unlawfully fabricated account and making false allegations against his for siphoning her company's fund is under investigation for which the presence of the petitioner is required.

4. If it is so, the respondent police ought to have disclosed the fact in the summons issued to the petitioner. Without disclosing facts, summons issued for appearance of enquiry is improper. Hence, the Criminal Original Petition for protection from the police is disposed of with directions to the respondent police, not to call the petitioner without proper summon and the summon should disclose the material facts which are necessary for the petitioner to appear and participate in the enquiry.



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Further, the enquiry should be in accordance with law and the police should follow the guidelines issued by the Courts regarding the investigation and interrogation by the police.

22.10.2024

Vv

To

- 1.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai – 600 007.
- 2.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Anna Nagar District, Chennai – 600 040.
3. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

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