



Crl.O.P.No.27259 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.27259 of 2024

1. N.Sandeep
2. Sangeeth Krishnan ... Petitioners

Vs.

1. The City Commissioner of Police,
Coimbatore City,
Commissioner Office, Coimbatore.

2. The State rep.by
The Inspector of Police,
B6 Police Station,
Peelamedu, Coimbatore.

3. Mani ...Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS 2023., to direct the respondent police not to harass the petitioners without following due process of law under the guise of enquiry without any crime number.

For Petitioners : Mr.S.Pooja Shree
For Respondents : Mr.S.Vinoth Kumar
Govt. Advocate (Crl.Side) for RR1 & 2



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ORDER

This petition has been filed seeking direction to the respondent police not to harass the petitioners without following due process of law under the guise of enquiry without any crime number.

2 According to the petitioners, the third respondent filed false case against the petitioners in C.C.No.435 of 2021 for the offence under Section 138 of Negotiable Instruments Act, 1881, and the third respondent also filed another false case in Crl.M.P.No.4900 of 2022, alleging that the petitioners along with one Gowtham had obtained a sum of Rs.50.00 lakhs and threatened him and his wife without repaying the said money. The learned Judicial Magistrate II, Coimbatore, by an order dated 29.07.2022, in the said miscellaneous petition, directed the respondent police to enquire the issue based on the complaint of the third respondent within 15 days from the date of order and register FIR, if any offence is made out. But, for the past two years, the respondent police had called the petitioners for numerous occasions and harassed the petitioners by forcing them to appear before the respondent police, without even registering FIR as directed by the learned Magistrate. Therefore



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the petitioners filed present petition to direct the respondent police not to harass the petitioners.

3 Learned Government Advocate (Crl.Side) for the respondent police would submit that there is money dispute between the parties and a case in C.C.No.435 of 2021 is also pending before the Fast Track Court at Magisterial Level-II, Coimbatore. Further based on the directions issued by the learned Magistrate only the respondent police are conducting the enquiry.

4 Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondents 1 and 2 and perused the materials available on record.

5 From the materials, it is seen that there was money dispute and with regard to the same a case in C.C.No.435 of 2021 is also pending before the Fast Track Court at Magisterial Level-II, Coimbatore. Further the third respondent filed Crl.M.P.No.4900 of 2022 seeking to take action against the petitioners based on the complaint filed by the third respondent. The learned Judicial magistrate II, Coimbatore, by order dated 29.07.2022 directed the



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respondent police to conduct enquiry on the complaint filed by the third respondent within 15 days and register FIR, if any offence is made out.

Therefore as per the directions issued by the learned Magistrate, the respondent police conducting enquiry and hence if the petitioners, so aggrieved on the same, they can very well approach the same Magistrate, who gave the directions. This Court is not inclined to interfere with the investigation by the respondent police.

6 For the foregoing reasons and observations, this criminal original petition stands dismissed.

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Index : Yes/No

Speaking Order/Non Speaking Order
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To

1. The City Commissioner of Police,
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B6 Police Station,
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P.VELMURUGAN, J.,

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