



Crl.O.P.No.27886 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.27886 of 2024

Nagarajan

... Petitioner

Vs.

1. The State represented by
The Superintendent of Police,
Office of the District Superintendent,
Namakkal District.

2. The Inspector of Police,
Puduchatram Police Station,
Puduchatram,
Namakkal District.

... Respondents

PRAYER:

Criminal Original Petition filed under Section 528 of BNSS, to
direct the second respondent herein not to harass the petitioner under the
guise of investigation.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to direct the second respondent police not to harass the petitioner under the guise of investigation.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3. It is the contention of the petitioner that One Muthusamy has filed a civil suit in O.S.No.135 of 2020 on the file of the District Munsif Court, Sendamangalam seeking relief of injunction, as against the petitioner and another and the same was dismissed. Aggrieved over the same, the said Muthuswamy filed an appeal in A.S.No.20 of 2021 on the file of the Additional Subordinate Court, Namakkal and the same was also dismissed. Though, no appeal has been filed by the said Muthusamy, he tried to encroach the subject matter. Hence, the petitioner filed a representation before the first respondent police.



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4. On a perusal of the records, it is seen that the dispute between the petitioner and the said Muthusamy seems to be civil in nature. It is seen that the respondent police neither summoned the petitioner nor called the petitioner for enquiry so far. Now, the petitioner rushed to the court seeking a direction not to harass him under the guise of enquiry. Further, no prima facie materials are available to show that the respondent police is harassing the petitioner.

5. In view of the same, this Criminal Original Petition is dismissed.

27.11.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The State represented by
The Superintendent of Police,
Office of the District Superintendent,
Namakkal District.
2. The Inspector of Police,
Puduchatram Police Station,
Puduchatram, Namakkal District.
3. The Public Prosecutor, High Court, Chennai.



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P.VELMURUGAN, J.

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