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CrI.O.P.No.28657 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No. 28657 of 2024

M.Mohanlal

... Petitioner

Vs.

1. The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Tambaram, Chennai – 45.

2. The Assistant Commissioner of Police,
Office of Assistant Commissioner of Police,
Pallavaram, Chennai – 43.

3. The Inspector of Police (Crime),
T-4, Sankar Nagar Police Station,
Pammal, Chennai – 75.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the third respondent police not to harass the petitioner, based on the petitioner's complaint dated 09.11.2024.

For Petitioner : Mr.S.Sooriakanth

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police not to harass the petitioner.

2. According to the petitioner, he is doing Pawn Broker business, and that one Kalishwaran has pledged his jewels in several occasions and subsequently, he redeemed the entire pledged jewels. The every transaction between the petitioner and the said Kalishwaran were accounted by the petitioner. While that being so, the wife of the said Kalishwaran filed a complaint stating that her husband involved in selling her jewellery without her knowledge. On such complaint, the third respondent/Police called the petitioner for enquiry and he has also participated in the enquiry. However, the respondent/Police again and again called the petitioner for enquiry without issuing proper summons and hence, the petitioner preferred a complaint dated 09.11.2024 to the respondents 1 and 2. Since no action was taken, the present petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for respondents and perused the materials



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available on record.

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4. On a perusal of the records, it is seen that since the issue involved in this petition pertains to money dispute, the petitioner was called for enquiry to find out whether any cognizable offence has been committed by the petitioner herein as alleged in the complaint. When there is a complaint alleging commission of cognizable offence, the police is bound to enquire the matter and decide the same in accordance with law. It is the duty of the petitioner herein to place all the records to show that there is no cognizable offence made out. Instead of appearing before the enquiry officer, the petitioner has rushed to this Court. It is suffice to direct the petitioner herein to appear before the respondents/Police and co-operate with the enquiry. Accordingly, this Criminal Original Petition is dismissed.

18.11.2024

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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P.VELMURUGAN, J

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