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CrI.O.P.No.31709 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.31709 of 2024

Joseph Muthukumar

... Petitioner

Vs.

State rep.by :-

1. The Superintendent of Police,  
Krishnagiri District Police Headquarters,  
Krishnagiri District.

2. The Inspector of Police,  
Bagalur Police Station,  
Krishnagiri District.

3. Murugan

4. C.Sivakumar

... Respondents

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the second respondent Police not to harass the petitioner based on summons issued on 12.12.2024 on the basis of complaint made by the 3<sup>rd</sup> and 4<sup>th</sup> respondents herein.

For Petitioner : Mr.P.M.Jayachandran

For Respondents : Mr.S.Sugendran  
Additional Public Prosecutor  
for R1 and R2



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## **ORDER**

This Criminal Original Petition has been filed to direct the second respondent-Police not to harass the petitioner based on summons issued on 12.12.2024 in respect of the complaint given by respondents 3 and 4 herein.

2. Learned Additional Public Prosecutor appearing for respondents 1 and 2, on instructions, submitted that based on the complaint given by respondents 3 and 4/*de-facto complainants*, the second respondent/Police issued summons dated 12.12.2024 to the petitioner for enquiry on 16.12.2024 and that there is no harassment as alleged by the petitioner.

3. No doubt, after receiving the complaint, it is the duty of the Police to conduct an enquiry prior to registration of the case and to file a final report. However, calling the petitioner for enquiry cannot be taken as harassment. In the case on hand, as per the prosecution the petitioner was called for enquiry which was held on 16.12.2024. Instead of appearing before the second respondent/Police, the petitioner rushed to



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this Court praying to direct the second respondent/Police not to harass the petitioner.

4. Taking note of the above facts, this Court is not inclined to interfere with the enquiry/investigation of the respondents/Police and there is no *prima facie* materials to show that respondents/Police have harassed the petitioner. Hence, this Criminal Original Petition is dismissed with a direction to the petitioner to co-operate for the enquiry/investigation.

**18.12.2024**

Index : Yes/No  
Neutral Citation Case : Yes/No  
Speaking Order : Yes/No  
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To

1. The Superintendent of Police,  
Krishnagiri District Police Headquarters,  
Krishnagiri District.
2. The Inspector of Police,  
Bagalur Police Station,  
Krishnagiri District.
3. The Public Prosecutor,  
High Court, Madras.



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**P.VELMURUGAN, J**

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