



CrI.O.P.(MD)No.11676 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.11676 of 2024

A.Kumar

... Petitioner

versus

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Deputy Superintendent of Police,
Karaikudi Sub Division,
Sivagangai District.
3. The Inspector of Police (Crime),
Karaikudi North Police Station,
Karaikudi,
Sivagangai District.
4. The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
5. Sri Srimanarayana Traders,
A Sura Chhaka,
Near Charampa Rice Mill,
Charampa (District),
Bhadrak, Odisha – 756 010.



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6. Srinivasan

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to direct the 3rd and 4th respondents not to harass the petitioner under the guise of enquiry based on the complaint of the 5th respondent.

For Petitioner : Mr.P.T.Thiyagaraj

For R1 to R4 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

ORDER

The petitioner has approached this Court that the respondent Police is harassing him under the guise of enquiry on the complaint of the 5th respondent.

2. The learned Government Advocate (Crl. Side) submits that a complaint has been received from the 5th respondent through post and the same is treated as petition enquiry in C.No.29/K1 Circle/2024. According to him, the 5th respondent, who is a resident



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of Odisha, has supplied rice to the petitioner and when he approached the petitioner for collecting money, he was assaulted and criminally intimidated. He further submits that since the 5th respondent has sent the complaint only through post from Odisha and he has not appeared before the respondent Police for enquiry, the respondent Police, without ascertaining the genuineness of the complaint, have not registered the same till date.

3. Since an allegation relating to a cognizable offence is averred in the complaint, interim protection is given to the petitioner enabling him to appear before the respondent Police and to co-operate for enquiry. The respondent Police shall conduct an enquiry and conclude the same within a period of two weeks from the date of receipt of a copy of this order. Till such time, the respondent Police shall not harass the petitioner. If the petitioner is not appearing for enquiry and when a cognizable offence is made out, it is the responsibility of the respondent Police to register the case and prosecute the case. The defacto complainant is also expected to co-



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operate for enquiry.

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4. Accordingly, this Criminal Original Petition is disposed of.

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Index : Yes / No.

Internet: Yes / No.

NCC : Yes/No.

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To

1. The Superintendent of Police,
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Sivagangai.
2. The Deputy Superintendent of Police,
Karaikudi Sub Division,
Sivagangai District.
3. The Inspector of Police (Crime),
Karaikudi North Police Station,
Karaikudi,
Sivagangai District.
4. The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
5. The Additional Public Prosecutor,

4/6



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Madurai Bench of Madras High Court,
Madurai.

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B.PUGALENDHI, J.

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