



Crl.O.P.(MD)No.12050 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.12050 of 2024

K.Ramar

... Petitioner

versus

1. The Sub Inspector of Police,
Central Crime Branch – III,
O/o. The Commissioner of Police,
Room No.38, 3rd Floor,
Alagar Kovil Road,
Madurai City.

2. M.Sumathi

... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C.
and under Section 528 of BNSS to direct the 1st respondent not to
harass the petitioner in the guise of enquiry based on the complaint
of the 2nd respondent.

For Petitioner : Mr.S.M.Kadhar
For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

The petitioner has approached this Court that the respondent
Police is interfering in a civil dispute and harassing him under the



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guise of enquiry.

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2. The learned Government Advocate (CrI. Side) submits that the second respondent in this case has filed a complaint before the Judicial Magistrate No.I, Madurai, which was referred in C.No. 02/ACP/CCB-III/Court Direction/MC/2024 dated 11.07.2024 and the same is under consideration of the respondent Police. The respondent Police, on 16.07.2024, issued a summon to the petitioner for enquiry. But, the petitioner has not appeared for the enquiry and filed this petition.

3. This Court considered the rival submissions made.

4. The respondent Police is not expected to conduct an enquiry by issuing summons before registering a case. It appears that the learned Judicial Magistrate No.I, Madurai, has forwarded the complaint under Section 156(3) Cr.P.C. to the respondent Police for taking necessary action. The respondent Police has to identify as to



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whether any cognizable offence is made out or not and thereafter, to take a call on the complaint. Before registering the complaint, the respondent Police is not expected to enquire into the proposed accused and harass them. At the same time, the respondent Police is expected to conduct a preliminary enquiry with regard to the complaint forwarded by the Judicial Magistrate No.I, Madurai, on 11.07.2024 and thereafter, to take a call on the complaint within a period of two weeks from the date of receipt of a copy of this order. Till such time, the petitioner shall not be harassed.

5. Accordingly, this Criminal Original Petition is disposed of. If a case is registered against the petitioner, he shall workout his remedy in the manner known to law.

30.07.2024

Index : Yes / No.
Internet: Yes / No.
NCC : Yes/No.
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B.PUGALENDHI, J.

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To

1. The Sub Inspector of Police,
Central Crime Branch – III,
O/o. The Commissioner of Police,
Room No.38, 3rd Floor,
Alagar Kovil Road,
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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