



Crl.O.P.(MD)No.13218 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13218 of 2024

Mani @ Muthaiah

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Sub Inspector of Police,
District Crime Branch,
Madurai District.

3.K.Chandran

4.P.Shanmugasundaram

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the second respondent not to harass the petitioner in the name of enquiry in connection with a civil dispute, which was already settled on 19.07.2013 itself, by considering the petitioner's representation dated 02.08.2024.



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For Petitioner : Mr.M.Solaisamy
For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)
For R3 & R4 : Mr.Aayiram K.Selvakumar

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the second respondent not to harass the petitioner under the guise of enquiry in connection with a civil dispute, which was already settled on 19.07.2013 itself, by considering the petitioner's representation dated 02.08.2024.

2. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that though the money dispute has already settled in 2013, after the lapse of 11 years, the third respondent has lodged a complaint before the second respondent and on that basis, the second respondent has been directing the petitioner to appear before him for enquiry.

3. The learned counsel appearing for the respondents 3 and 4 would submit that more than Rs.1,65,00,000/- is still due from the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the third respondent has lodged a complaint and on that basis, the petitioner was directed to appear for enquiry but he has not turned up.

5. Considering the submissions made on either side, the following directions are issued:-

“(a) The Deputy Superintendent of Police, District Crime Branch, Madurai District will issue written summons to the petitioner and to the private respondent for causing their appearance before him for enquiry. There is no question of orally summoning the parties to the police station.

(b) The Deputy Superintendent of Police, District Crime Branch, Madurai District will conclude the enquiry within a period of two weeks from the date of receipt of a copy of this order.

(c) If at the end of the enquiry, cognizable offence is made out and the Deputy Superintendent of Police, District Crime Branch, Madurai District proposes to register any FIR, the petitioner will be given notice of the same so that



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the petitioner will have breathing time to move the concerned Court for the relief of anticipatory bail.”

6. With the above directions, this Criminal Original Petition stands disposed of.

13.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Deputy Superintendent of Police,
District Crime Branch,
Madurai District.
- 2.The Superintendent of Police,
Madurai District,
Madurai.
- 3.The Sub Inspector of Police,
District Crime Branch,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.13218 of 2024

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