



*Crl.O.P.(MD)No.13466 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2024

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.13466 of 2024

B.Mohamad Satham Hussain

... Petitioner

Vs.

1.The Superintendent of Police,  
District Police Office, Surveyar Colony,  
K.Pudur, Madurai – 625 007.

2.The Inspector of Police,  
Melur Police Station,  
Law & Order, Melur,  
Madurai District – 625 106.

3.M.Nilobar Nisha

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, to direct the first respondent to instruct the second respondent not to harass the petitioner under the guise of enquiry without due process of law.

For Petitioner : Mr.A.Mu.Sharavanan

For R1 & R2 : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor.



*Crl.O.P.(MD)No.13466 of 2024*

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## **ORDER**

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the first respondent to instruct the second respondent not to harass the petitioner under the guise of enquiry without due process of law.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the State.

3. The learned Government Advocate (Criminal Side) appearing for the State would submit that on the basis of the complaint given by the third respondent, enquiry is pending and on that basis, the petitioner was directed to appear before the second respondent police for enquiry, but the petitioner has not turned up.

4. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is ready to appear before the second respondent on receipt of summons.



Crl.O.P.(MD)No.13466 of 2024

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5. Taking into account the overall facts and circumstances, the following directions are issued:-

*“(a) The second respondent will issue written summons to the petitioner and to the private respondents for causing their appearance before him for enquiry. There is no question of orally summoning the parties to the police station.*

*(b) The second respondent 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 second respondent proposes to register any FIR, the petitioner will be given notice of the same so that 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.

**16.08.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
das



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**K.MURALI SHANKAR,J.**

das

To

- 1.The Superintendent of Police,  
District Police Office, Surveyar Colony,  
K.Pudur, Madurai – 625 007.
- 2.The Inspector of Police,  
Melur Police Station,  
Law & Order, Melur,  
Madurai District – 625 106.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Order made in  
Crl.O.P.(MD)No.13466 of 2024

Dated: 16.08.2024