



Crl.O.P.(MD)No.13718 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13718 of 2024

Kodieswaran

... Petitioner

Vs.

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

2.The Inspector of Police,
District Crime Branch Police Station,
Thoothukudi, Thoothukudi District.

3.Francis

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the second respondents police not to harass the petitioner under
the guise of enquiry on the complaint lodged by Francis/3rd respondent.

For Petitioner : Mr.C.Suresh Kannan

For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)



Crl.O.P.(MD)No.13718 of 2024

ORDER

WEB COPY

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the second respondents police not to harass the petitioner under the guise of enquiry on the complaint lodged by Francis/3rd respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2.

3. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that on the basis of the complaint given by the third respondent, enquiry was conducted in current paper and the same was closed based on the agreement entered between them. Since the petitioner has not complied with the same, the third respondent again lodged the complaint and that the enquiry is pending. He would further submit that though they have issued summons to the petitioner, he has not turned up, instead he has filed the present petition.



Crl.O.P.(MD)No.13718 of 2024

WEB COPY

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.

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.”



Crl.O.P.(MD)No.13718 of 2024

WEB COPY

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

05.08.2024

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

To

- 1.The Superintendent of Police,
Thoothudkudi, Thoothukudi District.
- 2.The Inspector of Police,
District Crime Branch Police Station,
Thoothudkudi, Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.13718 of 2024

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.13818 of 2024

Dated: 21.08.2024