



Crl.O.P.(MD)No.13878 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13878 of 2024

Soundarajaperumal

: Petitioner

Vs.

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

2.The Inspector of Police,
Thadikombu Police Station,
Dindigul, District, Dindigul.

3.Pandiselvi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S, to direct the first respondent to instruct the second respondent not to harass the petitioner under the guise of enquiry based on the petitioner's representation, dated 19.08.2024.

For Petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.P.Kottai Chamy,
Government Advocate (Criminal Side)
for R1 & R2.



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ORDER

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This Criminal Original Petition has been filed, invoking Section 528 of 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 based on the petitioner's representation, dated 19.08.2024.

2. When the matter is taken up for hearing today, 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 was conducted and at the enquiry, the petitioner has agreed to pay the amount within 75 days and recording the same, the complaint of the third respondent was ordered to be closed.

3. But, as rightly pointed out by the learned counsel for the petitioner, the third respondent has raised main allegation against one Kodumudi Suresh, who alone has received the amount, but he was not at all examined.



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4. The learned Government Advocate (Criminal Side) appearing for the State would fairly concede that the said Kodumudi Suresh was not summoned and enquiry was not conducted with him.

5. Considering the above, the order of closing the complaint on the basis of the alleged undertaken given by the petitioner cannot be sustained and the same is liable to quashed and is quashed. The second respondent is directed to issue written summons to the petitioner, private respondent and the said Kodumudi Suresh for causing their appearance before him for enquiry and conclude the enquiry within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, the Criminal Original Petition is disposed of.

23.08.2024

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,
Dindigul District, Dindigul.
- 2.The Inspector of Police,
Thadikombu Police Station,
Dindigul, District, Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.13878 of 2024

Dated: 23.08.2024