



Crl.O.P.(MD)No.15574 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15574 of 2024

C.P.Ganesan

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
O/o.the Deputy Superintendent of Police,
Jeeyapuram,
Trichy District.

2.State rep by its
The Sub Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Subramaniyapuram,
Trichy District.

3.Karuppaiah

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the second respondent not to harass the petitioner under the
guise of enquiry on the complaint given by the third respondent dated
18.07.2024 in C.No.280/DCB/DSP/TRI/2024.



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For Petitioner : Mr.V.Illanchezian

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

ORDER

The 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 on the complaint given by the third respondent dated 18.07.2024 in C.No.280/DCB/DSP/TRI/2024.

2. The learned counsel appearing for the petitioner would submit that there existed some money transaction dispute between the petitioner and the third respondent, that the third respondent has already filed a complaint under Section 138 of Negotiable Instruments Act and the same came to be dismissed, that subsequently, the third respondent has lodged a complaint before the Manachanallur Police Station and after enquiry, the same was ordered to be closed and that thereafter the third respondent has again given complaint after complaint and thereby harassing the petitioner.



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3. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the petitioner alone has given complaints before the Manachanallur Police Station alleging that the petitioner and his family members were abused and threatened by the third respondent and the same came to be registered in CSR Nos.171 of 2019 and 50 of 2023 and after enquiry, the same were ordered to be closed and that the third respondent has now preferred a complaint against the petitioner and the same is pending in current paper.

4. Recording the submission made by the learned Government Advocate (Criminal Side), the following directions are issued:-

“(a) The second respondent 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 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



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

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

20.09.2024

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

To

- 1.The Deputy Superintendent of Police,
O/o.the Deputy Superintendent of Police,
Jeeyapuram,
Trichy District.
- 2.The Sub Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Subramaniyapuram,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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