



Crl.O.P.(MD)No.15856 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.15856 of 2024

A.Sheik Mohammed

... Petitioner

Vs.

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

2.The Inspector of Police,
Vadakarai Police Station,
Periyakulam, Theni District.

3.J.Ansalna

4.J.Haiyarnisha

5.Thanseela Banu

6.Laila Banu

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the second respondent not to harass the petitioner under guise of enquiry in the pending FIR on the file of the DCB, Theni in Crime No.12 of 2024 based on the petitioner's representation dated 12.09.2024.

For Petitioner : Mr.M.A.M.Raja

For R-1 & R-2 : Mr.P.Kottai Chamy,
Government Advocate(Crl.Side)



CrI.O.P.(MD)No.15856 of 2024

WEB COPY

ORDER

This criminal original petition has been filed seeking orders to direct the second respondent not to harass the petitioner under guise of enquiry in the pending FIR on the file of the DCB, Theni in Crime No.12 of 2024 based on the petitioner's representation dated 12.09.2024.

2.The learned counsel appearing for the petitioner would submit that the petitioner has lodged a complaint for cheating and FIR came to be registered in Cr.No.12 of 2024 for the offence under Sections 417, 420 and 120(b) IPC as against three persons and investigation is pending on the file of DCB, Theni. He would further submit that during pendency of the investigation, the private respondents by alleging that they are also victims, lodged a complaint before the second respondent and that the private respondents have no connection and they were not victims in the complaint lodged by the petitioner.

3.The learned Government Advocate(Crl.side) appearing for the official respondents would submit that since the private respondents have lodged a complaint before the second respondent, enquiry is pending.



Crl.O.P.(MD)No.15856 of 2024

WEB COPY

4.Since for the very same occurrence, FIR has already been registered and the investigation is pending, the second respondent ought to have referred the complaint lodged by the private respondents herein to DCB.

5.At this juncture, the learned Government Advocate(Crl.side), the second respondent has decided to transfer the complaint to DCB.

6.Considering the above, the second respondent is directed to forward the complaint to the file of DCB and on receipt of the same, the Inspector of Police, DCB, Theni is directed to consider the same while investigating the case in Cr.No.12 of 2014.

7.With the above directions, this criminal original petition is disposed of.

20.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



WEB COPY



CrI.O.P.(MD)No.15856 of 2024

K.MURALI SHANKAR,J.

gns

To

- 1.The Superintendent of Police,
Theni District, Theni.
- 2.The Inspector of Police,
Vadakarai Police Station,
Periyakulam, Theni District.
- 3.The Inspector of Police, DCB, Theni.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P.(MD)No.15856 of 2024

20.09.2024