



1 *CrI.O.P.(MD) No.18974 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

CrI.O.P(MD). No.18974 of 2024

M.Peer Mohammed

... Petitioner

Vs.

The Inspector of Police,

Vigilance and Anti-Corruption Police Station,

Tirunelveli.

(Crime No.5/2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 Cr.P.C. praying to direct the respondent not to harass the petitioner in connection with Crime No.05 of 2022 on the file of the respondent.

For Petitioner : Mr.T.Selvan

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



petitioner's son. Hence, the respondent police called the petitioner's son to appear before the second respondent police station and harassed him. Hence, the petitioner filed the present petition.

3.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner's son was not available at his hometown and hence, the respondent/Inspector of Police asked the petitioner to appear before this Court without issuing the summons. The petitioner also undertook to appear before the respondent Police. He appeared once and was examined and the inspector of Police asked him to appear before the respondent Police Station again and he failed to appear. At this stage, the petitioner filed this petition for a direction not to harass. Hence, he seeks to dismiss this petition.

4.The rival submissions made by the learned counsel appearing on either side were considered and the documents available on record were perused.

5.From the records, it is clear that the petitioner is aged about 72 years and the petitioner's involvement in the alleged offence is matter to



be enquired by the respondent Police and the respondent is duty bound to follow the procedure under Section 179 of Bharatiya Nagarik Suraksha Sanhita, 2023. As per the Section 179 of BNSS, 2023, the investigating agency has power to issue summons and call any person acquainted with the facts and circumstances of the case for enquiry.

6. With the above observations, this Court disposes of the petition with the following terms:

6.1. The petitioner is directed to appear before the respondent Police/Inspector of Police from 18.11.2024 to 20.11.2024.

6.2. The Inspector of Police is strictly instructed not to harass the petitioner against the dictum of the D.K. Basu guidelines.

6.3. It is made clear that if any incriminating materials surface against the petitioner, it is open to the respondent/Inspector of Police to act as per law.

05.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
vsg



WEB COPY To

1. The Inspector of Police,
Vigilance and Anti-Corruption Police Station,
Tirunelveli.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

vsg

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