



W.P.(MD)No.26118 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.26118 of 2024

and

W.M.P(MD) No.22138 of 2024

D.Subash

.. Petitioner

Vs

1.The Inspector of Police
District Crime Branch
Theni District

2.Sethuramalingam

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the first respondent in his enquiry notice dated 21.10.2024 and quash the same as without jurisdiction the first respondent issued the notice to the petitioner.



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For Petitioner : Mr.T.Ramasamy
For Respondents : Mr.A.Thiruvadikumar
No.1 Additional Public Prosecutor

ORDER

The petitioner on receipt of show cause notice dated 21.10.2024 has filed the writ petition seeking to quash the same.

2. The admitted fact is that there has been business transaction between the petitioner and the second respondent. The petitioner after receiving pepper from the second respondent, according to the second respondent he has not paid the money but the contention of the petitioner is that since the quality of the pepper was not satisfactory there has been some dispute. The amount has been already paid. Further legal notice dated 19.09.2024 issued and earlier complaint had been lodged by the private respondent before the Palani Town Police Station. Suppressing the same, the present complaint has been given. Hence sought for quashing of the show cause notice.



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3. The learned Additional Public Prosecutor submitted that as per Section 173(3) of B.N.S.S in commercial transaction where punishment is between 3 to 7 years the police are empowered to issue notice calling for enquiry but with the permission of the Deputy Superintendent of Police. In this case the District Crime Branch is headed by Deputy Superintendent of Police and with his permission the show cause notice has been issued. Hence the petitioner may be directed to appear for enquiry and give his explanation with regard to the complaint lodged by the second respondent/Sethuramalingam.

4. In view of the above said reasons, the Writ Petition stands dismissed. No costs. Consequently connected miscellaneous petition stands closed.

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Index: Yes/No
Internet : Yes/No
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District Crime Branch
Theni District

2. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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M.NIRMAL KUMAR, J.

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