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*Crl.O.P.(MD)No.19307 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

Crl.O.P.(MD)No.19307 of 2024

Murugan

.. Petitioner

Vs.

1. The Superintendent of Police  
Tuticorin, Tuticorin District

2. The Deputy Superintendent of Police  
Srivaigunda, Tuticorin District

3. The Inspector of Police  
Alwarthirunagari Police Station  
Tuticorin District

.. Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS directing the third respondent not to harass the petitioner without following the due process of law based on his representation dated 26.10.2024.

For Petitioners : Mr.C.Susikumar

For Respondents : Mr.A.Thiruvadikumar  
Additional Public Prosecutor



**ORDER**

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This Criminal Original Petition has been filed to direct the third respondent to not to harass the petitioner without following the due process of law based on the representation dated 26.10.2024.

2. The petitioner has sent representation dated 26.10.2024 for the reason that the respondent police is attempting to take proceedings against the petitioner under Section 129 of BNSS without any valid reason or ground.

3. The contention of the petitioner is that the petitioner is arrayed as accused in Crime No.77 of 2024 for the offences under Sections 296(b), 118(1), 351(3) of BNS. The petitioner was granted anticipatory bail by this Court in Crl.O.P(MD) No.15445 of 2024 on 12.09.2024 with certain conditions. One of the condition is that the petitioner has to appear before the respondent police daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation and the petitioner is regularly complying with the condition. Now under the guise of invoking Section 129 of BNSS the petitioner has been called and harassed.



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3. The learned Additional Public Prosecutor opposed the contention raised by the learned counsel appearing for the petitioner stating that on 06.09.2024 one Sankarasubbu was admitted the hospital due to the stab injury inflicted by the petitioner on his stomach and case has been registered in Crime No.77 of 2024. Thereafter the petitioner obtained anticipatory bail before this Court. Since the defacto complainant had lodged complaint the petitioner had again developed gruesome against the defacto complainant and attempting to cause injuries to Sankarasubbu. Further both belong to different community and there is every chance of getting communal dispute and breach of law and order. Finding to avert the same the respondent police had sent a requisition to the revenue authorities in LIR No.41 of 2024 under Section 129 of BNSS dated 07.10.2024 and thereafter the Revenue Divisional Officer in his proceedings in MC 322 of 2024 dated 07.10.2024 had called the petitioner to cause for enquiry. For the purpose of serving summons the respondent police had gone there and nothing more can be termed as harassment



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4. Finding that the proceedings has been initiated under Section 129 of BNSS in MC No.322 of 2024 and the petitioner to execute a bond for good behaviour calling upon the petitioner for enquiry may not be termed as harassment. In any event the respondent police to serve a copy of summons to the petitioner and in case of refusal the same to be struck in the wall and thereafter only any coercive action can be taken

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

**11.11.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
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To

1. The Superintendent of Police  
Tuticorin, Tuticorin District
2. The Deputy Superintendent of Police  
Srivaigunda, Tuticorin District
3. The Inspector of Police  
Alwarthirunagari Police Station  
Tuticorin District
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

**M.NIRMAL KUMAR,J.**



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