



Crl.O.P.(MD)No.21022 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21022 of 2024

Kannan

: Petitioner

Vs.

State of Tamil nadu

rep., by

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
E-3, Anna Nagar Police Station,
Madurai District.

Crime No.451 of 2024

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the respondents not to harass the petitioner and to threaten the
petitioner to provide a car.

For Petitioner : Mr.S.Kasirajan
for Mr.Jayashree Dharbar

For Respondents : Mr.P.Kottaichamy
Government Advocate (Crl.side)



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ORDER

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This petition has been filed to direct the respondents not to harass the petitioner and threaten him to provide a car.

2. It is submitted on the side of the petitioner that on the confession of A9/ Saravanan/ petitioner's brother-in-law, wherein it is stated that after transportation of contraband using Ertica car bearing Registration No.TN 49 AU 8235, the car was handed over to the petitioner, the petitioner has been called for enquiry. Earlier, on three occasions, the petitioner had appeared in person and finally, notice was issued on 15.11.2024 calling upon the petitioner to appear on 18.11.2024 along with Ertiga Car. In this regard, the petitioner had sent a representation on 18.11.2024 to the second respondent stating that the offending car does not pertain to the petitioner and the petitioner had not used the vehicle and the car is no way connected with the petitioner. Hence, calling upon the petitioner for enquiry is not required. It is further submitted by the learned counsel that in this case A9 is yet to have transported the contraband handed over to A1. The petitioner on verification through Vagan App found that the said car belongs to one Sagayameri. This can be verified by the respondent police and the enquiry with the petitioner is not required.



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3. The learned Additional Public Prosecutor strongly opposed the contention of the petitioner and submitted that in this case there are totally nine accused. A9 is none other than the brother-in-law of the petitioner. A9 /Saravanan had clearly confessed and disclosed the fact of the petitioner's active role in the above case. Further, it is stated that Saravanan whenever comes to Madurai, he used while colour Maruthi Ertica car bearing Registration No.TN 47AU8235. The petitioner, who is none other than Saravanan's brother-in-law, was in possession and usage of said car. To clarify the same, the petitioner was called. Failing to respond the notice, he had filed the above petition. The petitioner is needed for the purpose of enquiry. The petitioner's doubt with regard to Ertica car and its ownership, the same can be clarified at the time of investigation.

4. The learned counsel for the petitioner, on instructions, would submit that the petitioner would appear before the respondent police on 13.12.2024.



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5. In view of the above, the petitioner is directed to appear before the respondent police on 13.12.2024 and the respondent police to conclude the investigation, within a period of two months therefrom.

6. With the above direction, this Criminal Original Petition is disposed of.

04.12.2024

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

Rmk

NOTE: Issue order copy on 12.12.2024

To

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Inspector of Police,
E-3, Anna Nagar Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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