



Crl.O.P.(MD)No.21108 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.21108 of 2024

Rabi Hameed

: Petitioner

Vs.

The State of Tamil Nadu

rep., by

1.The Deputy Superintendent of Police,
Mudukulathur, Ramanathapuram District.

2.The Inspector of Police,
Keela Thooval Police Station,
Ramanathapuram District.

3.Radhakrishnan

4.Gopalakrishnan

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the second respondent and his police officials that not to harass the petitioner in the guise of enquiry based on the complaint of the third respondent by considering the petitioner's representation dated 26.11.2024.

For Petitioner : Mr.M.S.Jeyakarthik

For R1 & R2 : Mr.P.Kottaichamy
Government Advocate (Crl.side)



ORDER

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This criminal original petition has been filed to direct the second respondent and his police officials not to harass the petitioner in the guise of enquiry.

2. The contention of the petitioner is that the petitioner and respondents 3 and 4 were erstwhile partners in bore-well business. They have been doing business from the year 2013. Five years later, in the year 2018, R3 and R4 had left the business. At that time, the entire settlement was made to R3 and R4. But suppressing the same, R3 had lodged a complaint as if the petitioner is still due and not paid their share in the business. Based on which, without proper verification, the second respondent police called the petitioner for enquiry in a business dispute and causing harassment. Hence, the above petition.

3. The learned Additional Public Prosecutor would submit that the petitioner and the respondents 3 and 4 were business partners. The respondents 3 and 4 had left the business in the year 2018. At that time, the petitioner gave an assurance and undertaking that their share of business would be paid, but the petitioner failed to make the payment and



continue the business making good profit. Hence, R3 lodged complaint and the case in CSR.No.249 of 2024 assigned. On summon, the petitioner appeared and enquiry was conducted, at that time, the petitioner sought some time to produce relevant document in support of his contention. Thereafter, he failed to appear and now terming it as harassment.

4. The learned counsel for the petitioner submitted that the fourth respondent owes the petitioner, and this has not been considered despite the petitioner providing an explanation. The petitioner submitted details about these matters on 25.11.2024, however, the second respondent police are insisting that the petitioner to settle the issue with the third respondent. It is a dispute among partners. Further, the learned counsel, on instructions, submitted that the petitioner is ready to appear before the respondent police on 07.12.2024 to give his explanation along with the available materials.

5. In view of the above, the petitioner to appear before the respondent police on 07.12.2024 and the respondent police to consider the explanation of the petitioner and conclude the enquiry, without further delay.



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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/smn2

Note : Issue order copy on 05.12.2024

To

- 1.The Deputy Superintendent of Police,
Mudukulathur, Ramanathapuram District.
- 2.The Inspector of Police,
Keela Thooval Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk/smn2

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