



Crl.O.P.(MD)No.21612 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21612 of 2024

Manikandan

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.
2. The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Thilagar Thildal Division.
Madurai City.
3. The Inspector of Police,
Thilagar Thildal Police Station,
Madurai City.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the third respondent, not to harass the petitioner on the basis of the representation dated 25.11.2024 in accordance with law.

For Petitioners : Mr.S.Ramesh Kumar

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to direct the third respondent not to harass the petitioner on the basis of his representation dated 25.11.2024 in accordance with law.

2. The contention of the petitioner is that under the guise of an enquiry, the respondent police are calling upon the petitioner at odd hours and harassing him. Based on the complaint of the petitioner's elder brother's wife, namely, Susipriya, the petitioner was called for an enquiry on 05.11.2024 and thereafter, compromise arrived between them. Thereafter, again on 22.11.2024 and 25.11.2024, the third respondent has called the petitioner and warned him. The petitioner has made a representation to the respondents No.1 and 2 on 25.11.2024. However, the same was not considered by the respondent police.

3. The learned Additional Public Prosecutor on instruction would submit that the petitioner is a history sheeter in H.S.No.540 of 2013. Hence, the petitioner was called for an enquiry based on the complaint of one N.S.Raja and his wife, namely, Susipriya. The petitioner was in the multilevel marketing of Herbal life and there are 12 previous cases against



him. Earlier the said S.N.Raja, who was with the petitioner in the multilevel marketing, had disconnected from the petitioner and joined membership with one Kasipriya, who is a friend of the said Susipriya, which offended the petitioner and the petitioner had called the said S.N.Raja and abused him and also threatened him. Hence, for the purpose of verification and to ensure that the petitioner does not continue such activities, he was called for an enquiry and also to know about his whereabouts, he has been monitored by the respondent police. Further, the petitioner who aided along with his friend, namely, Sabarimani, are indulged in such threats. He further submitted that in this case, the petitioner had also changed his residence.

4. Considering the facts and circumstances of the case, it is seen that based on the information received from the Commissioner of Police, Madurai City, the respondent police has called the petitioner for an enquiry. Later the respondent police found that the petitioner has changed his residence, therefore, the police are monitoring the petitioner's movement and ensuring that the public are not threatened. Since the petitioner is a history sheeter, calling upon the petitioner for an enquiry cannot be termed as harassment.



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5. Accordingly, this Criminal Original Petition stands dismissed.

09.12.2024

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

To

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Madurai City.
2. The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Thilagar Thildal Division.
Madurai City.
3. The Inspector of Police,
Thilagar Thildal Police Station,
Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

jbr

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