



Crl.O.P.(MD)No.21796 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21796 of 2024

1.Mohan
2.Chitra

.. Petitioners

Vs.

1.State of Tamil Nadu
rep., by The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Thideer Nagar Police Station,
Thideer Nagar, Madurai.

3.Priyadharshini

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the first respondent to instruct the second respondent not to
harass the petitioners in the guise of enquiry based on the representation of
the petitioners dated 29.11.2024.

For Petitioner	: Mr.T.Gopalakrishnan
For R1 & R2	: Mr.A.Thiruvadikumar Additional Public Prosecutor



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ORDER

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This petition has been filed to direct the first respondent to instruct the second respondent not to harass the petitioners in the guise of enquiry based on the representation of the petitioners' dated 29.11.2024.

2. The contention of the petitioners is that the petitioners had employed the third respondent and her husband, Alagar. Based on the faith and since the petitioners are aged persons, they had given their jewels to the third respondent and her husband to be pledged with catholic syrian bank, Town Hall Road Branch, which they had done and thereafter, for redemption, the third respondent and her husband were not immediately available. Hence, they gave an authorization undertaking that jewels are belonged to the petitioners and they can redeem the jewels from Catholic Syrian Bank, based on which, the petitioners had also paid the pledged amount and produced the undertaking given by the third respondent and thereafter, Catholic Syrian Bank had handed over the jewels to the petitioners. Now, the third respondent had lodged a complaint as if the petitioners had misappropriated and cheated the third respondent's jewels. Hence, on the complaint of the third respondent, the petitioners were called for enquiry and summons were served. The



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petitioners appeared on 21.11.2024 before the Inspector of Police, Thideer Nagar Police Station and thereafter, they submitted the document and also explained to them. But, the police failed to listen to the petitioners and constantly harassing the petitioners. He further submitted that they had sent a representation on 29.11.2024 about the harassment to the Commissioner of Police, Madurai, but no action has been taken. Hence, the above petition.

3. The learned Additional Public Prosecutor appearing for the respondent police, on instructions, submitted that the third respondent had lodged a complaint and thereafter, an enquiry was conducted. The petitioners were served with summons, but not appeared. The third respondent and one Karpagam, employed in Catholic Syrian Bank Town Hall Road Branch, appeared. Since the petitioners had not appeared, enquiry could not be conducted.

4. The learned counsel for the petitioners strongly refuted the above submission and submitted that the petitioners had appeared and gave explanation, but for obvious reason, their appearance have not been recorded and projected as if they have not cooperated with the enquiry.



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5. In view of the above, since contradiction version with regard to the manner in which the enquiry has been conducted even, the petitioners' appearance has not been acknowledged, but the petitioners have produced summons copy, which was received by them, this Court finds that the further enquiry in this case to be conducted by the Assistant Commissioner of Police, Thideer Nagar Police Station. The petitioners to appear before the Assistant Commissioner of Police, on 20.12.2024. The Assistant Commissioner to conduct enquiry and complete the same within a period of two months, thereafter.

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

12.12.2024

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

Rmk

NOTE : Issue order copy on 17.12.2024



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To

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1. The Commissioner of Police,
Madurai City,
Madurai.
2. The Assistant Commissioner of Police,
Thideer Nagar Police Station,
Madurai.
3. The Inspector of Police,
Thideer Nagar Police Station,
Thideer Nagar, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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