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CrI.O.P.No.1742 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.1742 of 2025

1. Kareem Ahamed
2. Shukoor Ahmaed

... Petitioners

Vs.

The State Rep.by its
The Inspector of Police (Crime),
J1, Saidapet Police Station,
Chennai – 600 015.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and to quash the impugned notice under Section 35 of BNSS dated 26.12.2024 against the petitioners on the file of the respondent-Police.

For Petitioners : Mr.C.V.Kumar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition is filed to quash the impugned notice under Section 35 of BNSS dated 26.12.2024 against the



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petitioners on the file of the respondent-Police.

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2. According to the petitioners, one Shabbir Ahamed had obtained a housing loan from LIC Housing Finance Limited and the said loan was fully repaid in the year 2017 and the same was closed. The petitioners have received the original documents of the said property from LIC Housing Finance Limited as per the directions of this Court dated 09.03.2020 in W.P.No.148 of 2020, as the petitioners are one of the co-owners of the above said property. While that being so, one Ghouse Basha, who is the petitioners' elder brother (Shabbir Ahamed) Son had lodged a complaint before the respondent-Police against the petitioners alleging that they had forged a General Power of Attorney before the LIC Housing Finance Limited and had obtained the custody of the original documents pertaining to the property situate at Triplicane Quait Millath Road, Chennai-05. It is further stated that the said Ghouse Basha had filed a complaint under Section 175(3) of BNSS praying to direct the Inspector of Police to investigate the case before the jurisdictional Magistrate Court and that the learned IX Metropolitan Magistrate, Saidapet, Chennai allowed the petition and directed the Inspector of



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Police to issue notice to both the parties concerned under Section 35 of BNSS and make a preliminary enquiry and thereafter, register the F.I.R and investigate the case in accordance with law. While that being so, the respondent-Police had issued notice to the petitioners and the petitioners have also appeared before the respondent-Police and had given written reply dated 08.01.2025. Despite giving written reply to the complaint, the respondent-Police is continuously calling the petitioners for enquiry. Hence, the present petition has been filed by the petitioners herein.

3. On a perusal of the police notice under Section 35 BNSS, 2023 dated 26.12.2024, it is seen that the as per the directions of the learned IX Metropolitan Magistrate, Saidapet, Chennai, the respondent-Police issued notice to the petitioners for enquiry on 28.12.2024. Subsequently, the petitioners have appeared before the respondent-Police on 08.01.2025 and also submitted their written reply. Once the petitioners have appeared before the respondent-Police and submitted their reply, they cannot challenge the said notice. Further, it is seen that notice issued by the respondent-Police is only for enquiry. Therefore, this Court



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does not find any reason to quash the impugned summons issued by the respondent-Police. Hence this Criminal Original Petition is dismissed.

24.01.2025

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

1. The Inspector of Police (Crime),
J1, Saidapet Police Station,
Chennai – 600 015.
2. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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