



Crl.O.P.No.2028 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.2028 of 2025

Kamalasudhan

... Petitioner

Vs.

1. The State Rep.by
The Inspector of Police (Law & Order),
E.2 Police Station, Royapettah,
Chennai – 600 014.

2. Kumarselvin

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondent-Police not to harass the petitioner in respect of any complaint pending as against him.

For Petitioner : Mr.Leelesh Sundaram
for M/s.Nathan and Associates

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to direct the respondent-Police not to harass the petitioner in respect of any complaint pending as against him.



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2. According to the petitioner, he approached the second

respondent to arrange travel services i.e. air tickets and hotel accommodation for a group of 100 to 250 individuals travelling to Europe for a religious ceremony at the Catholic Pope's office, and that an agreement was entered into between them. The petitioner paid partial payments, totalling to an amount of Rs.1,20,00,000/-, which accounted for only 30% of the total estimated costs. It is further stated that due to non-co-operation of the second respondent, many Visas were rejected and further, the entire trip was cancelled just two days before the planned departure. It is further stated that cancellation charges for the air tickets and hotel booking amounted to 100% as per the terms of the agreement. Despite that, the petitioner recovered Rs.32,00,000/- and refunded the said amount to the second respondent by September 2022 itself. However, the second respondent filed a complaint against the petitioner before the Assistant Commissioner of Police, Mylapore, Chennai demanding the full refund, despite prior to cancellation terms which led to 100% non-refundable cancellation charge. Thereafter, an amicable settlement was entered into between them and both the parties had agreed on a final settlement amount of Rs.20,00,000/- which included refunds,



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GST and other charges. While that being so, the second respondent

lodge another complaint against the petitioner to pay the entire amount.

Even after there was an amicable settlement arrived at between the parties, the first respondent-Police called the petitioner for enquiry on several times and hence, the present petition is filed.

3. Learned Government Advocate (Crl.Side) appearing for the first respondent-Police submitted that, based on the complaint given by the second respondent herein, the respondent-Police called the petitioner for enquiry. Instead of settling the matter, he rushed to the Court by way of filing this petition. He further submitted there is no harassment as alleged by the petitioner.

4. In non-cognizable cases, after receiving the complaint, it is the duty of the Police to conduct an enquiry prior to register the case. Mere calling the petitioner for enquiry cannot be stated as harassment. Hence, the petitioner is directed to co-operate for the enquiry/investigation, failing which, the first respondent-Police is directed to take action against the petitioner.



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WEB COPY 5. With the above direction, this Criminal Original Petition is
dismissed.

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Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Inspector of Police (Law & Order),
E.2 Police Station, Royapettah,
Chennai – 600 014.
2. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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