



Crl.O.P.No.5384 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.5384 of 2025
and Crl.M.P.No.3490 of 2025

G. Rangasamy

... Petitioner

Vs.

1. The Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Greater Chennai,
Chennai - 600 007.

2. The State Rep. by
The Inspector of Police,
Forgery Wing, Beta - 10,
Central Crime Branch,
Vepery, Chennai - 600 007.
(Crime No.83/2024)

3. J.H.Najumudeen

... Respondents

PRAYER: The Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the impugned summon dated 10.02.2025 in Crime No.83 of 2024 on the file of the third respondent and quash the same.



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For Petitioners : Mr.L.Infant Dinesh

For Respondent : Mr.A.Gopinath
Nos.1 and 2 Government Advocate (CrI.Side)

For Respondent : Mr.P.L.Narayanan, Senior Counsel
No.3 for Mr.E.Hariharan

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ORDER

This petition has been filed to quash the impugned summon dated 10.02.2025 issued in Cr.No.83 of 2024 on the file of the third respondent.

2. The petitioner is an accused in Cr.No.83 of 2024 on the file of the second respondent. Pursuant to the registration of an FIR, the second respondent being the Investigating Officer has summoned the petitioner under Section and 94 of BNSS Act, 2023 for enquiry to be conducted on 12.02.2025.

3. The learned counsel for the petitioner submitted that for the very same property, already there is a complaint lodged by the third party in which the petitioner is an accused. Once again, for the same property,

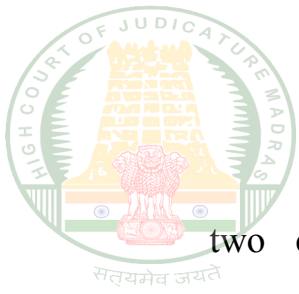


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now the third respondent has lodged a complaint and the same is pending for investigation on the file of the second respondent. Therefore, the second respondent ought to have followed the procedure as contemplated under Section 566 of Police Standing Order.

4. Admittedly, the petitioner is not a complainant in the earlier case which was registered in the year 2015 in Cr.No.444 of 2015 for the offences punishable under Sections 406, 420 read with 120B IPC @ 406, 420 IPC r/w 34 of IPC. After completion of investigation, final report was filed before the Metropolitan Magistrate for CCB Cases, Egmore Chennai and the same has been taken cognizance in C.C.No.2854 of 2022.

5. Admittedly, the petitioner is an accused in both the cases. Though the property is one and the same, the allegations are completely different and the earlier cases was charged for the offence registered under Sections 406 and 420 of IPC r/w 34 of IPC. The FIR in Cr.No.83 of 2024 has been registered for the offence punishable under Sections 465, 467, 468, 471 and 420 r/w 120B of IPC on complete different set of allegations. It is not a counter complaint for two different cause of action



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two complaints lodged as against the petitioner. Therefore, the Police Standing Order 566 is not at all applicable to the present case and this Court finds no infirmity or illegality in the order passed by the second respondent. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

6. However, the second respondent is directed to complete the investigation and file a final report within a period of 12 weeks from the date of receipt of a copy of this Order.

26.02.2025

Vv

To

1. The Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Greater Chennai,
Chennai - 600 007.
2. The Inspector of Police,
Forgery Wing, Beta - 10,
Central Crime Branch,
Vepery, Chennai - 600 007.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

Vv

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