



Crl.O.P.No.5774 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2025

CORAM:

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

Crl.O.P.No.5774 of 2025

Ezhilarasan

... Petitioner

Vs.

1. The Commissioner of Police
City Commissioner Office,
Vepery, Chennai – 7.

2. The Inspector of Police
P4, Basin Bridge Police Station
Chennai – 12.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the second respondent not to harass the petitioner and guise of enquiry.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.K.M.D.Muhilan

Government Advocate (Criminal Side)



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ORDER

The Criminal Original Petition is filed to direct the second respondent not to harass the petitioner under the guise of enquiry.

2. The learned counsel appearing for the petitioner submits that the respondent police harassed the petitioner under the guise of enquiry.

3. Mr.K.M.D.Muhilan, learned Government Advocate appearing for the respondent police submitted that the police called the petitioner for enquiry in the pending FIR in Crime No.18 of 2025 registered for the offence under Section 8(c) r/w. 20(b)(ii)(B) of NDPS Act. The case where the FIR is pending against the petitioner, there is no scope for this Court to entertain the petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, under the caption "Not to harass".

4. Heard the learned Counsel appearing on either side and perused the materials placed on record.



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5. Under such circumstances, once the regular FIR has been registered, the question of “Not to harass” will not arise. Any direction issued by this Court at this stage will amount to interfering with the investigation conducted by the respondent police. Hence, this Criminal Original petition is dismissed.

28.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
jd
To

1. The Commissioner of Police
City Commissioner Office
Vepery, Chennai – 7
2. The Inspector of Police
P4, Basin Bridge Police Station
Chennai – 12
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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