



Crl.O.P.No.14212 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.14212 of 2025

Ashish Sanki

... Petitioner

Vs.

The State Represented by

1. The Commissioner of Police,
Coimbatore City.

2. The Assistant Commissioner of Police,
Coimbatore West,
Coimbatore City.

3. Inspector of Police,
Bazaar Police Station,
Coimbatore City.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the second respondent, not to harass the petitioner.

For Petitioner : Mr.K.Balasubramaniam

For Respondents : Dr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition is filed to direct the second respondent-Police not to harass the petitioner.

2. Learned counsel for the petitioner submitted that the petitioner used to make gold ornaments to various customers. The owner of one Sandeep Kara used to send gold for making ornaments, which was not liked by the said Sandeep Kara and that he started to give trouble to the petitioner in many ways. While that being so, the said Sandeep Kara had given a complaint against the petitioner before the third respondent-Police, alleging that the petitioner has cheated 300 gms of gold. After conducting enquiry, the third respondent-Police closed the said complaint. He further submitted that the said Sandeep Kara, had once again given complaint against the petitioner before the second respondent-Police and that the second respondent-Police is regularly calling him and detaining him in the Police Station whole day without conducting investigation or enquiry. Hence, the petitioner had given a representation to the first respondent on 03.03.2025, but, so far no action was taken. Hence, the present petition.



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3. Learned Government Advocate (Crl.Side) appearing for the

respondents-Police, on instructions, submitted that based on the complaint given by the said Sandeep Kara, the respondents-Police conducted enquiry. He further submitted that after receiving the complaint, it is the duty of the Police to conduct an enquiry prior to register the case and to file final report and that the petitioner was called for enquiry and there is no harassment as alleged by the petitioner. Therefore, this Court may direct the petitioner to co-operate for enquiry.

4. Considering the facts and circumstances and also considering the submissions of both sides, this Court is of the opinion that the investigating officer has no authority to keep any accused in the Police Station for hours together without conducting any enquiry/investigation. Moreover, no accused should be kept in the Police Station more than two hours for the purpose of enquiry/investigation. The investigating officer shall proceed with the enquiry/investigation as the case may be, without any delay. Hence, the respondents-Police are directed to complete the enquiry/investigation within a short span of time. The petitioner is also directed to co-operate for the enquiry/investigation.



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5. With the above directions, this Criminal Original Petition is disposed of.

02.06.2025

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

1. The Commissioner of Police,
Coimbatore City.
2. The Assistant Commissioner of Police,
Coimbatore West,
Coimbatore City.
3. Inspector of Police,
Bazaar Police Station,
Coimbatore City.
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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