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Crl.O.P.No.17201 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.17201 of 2025

Prem

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
District Crime Branch (DCB),
Coimbatore District.

2. Karthick

... Respondents

PRAYER:

Criminal Original Petition filed under Section 528 of BNSS 2023, seeking direction, to direct the first respondent not to harass the petitioner under the guise of enquiry in the complaint petition given by the second respondent in C.No.65024/DSP/DCB/CBE-DIST/2024 dated 24.05.2025.

For Petitioner : Mr.P.A.Sai Govindaraja

For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

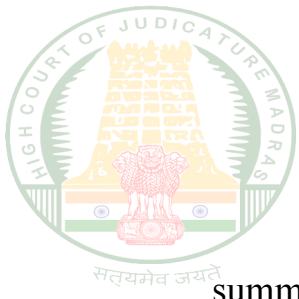


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WEB COPY This Criminal Original Petition has been filed seeking a direction, to direct the first respondent/Police, not to harass the petitioner under the guise of enquiry on the second respondent's complaint dated 24.05.2025 in C.No.65024/DSP/DCB/CBE-DIST/2024.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI.Side) appearing for the respondent-Police and perused the materials available on record.

3. Learned counsel for the petitioner submitted that the defacto complainant and his relatives had already filed three suits namely O.S.No.145, 165 and 186 of 2025 on the file of the IV Additional District Court, Coimbatore and also filed an insolvency petition in I..P.No.13 of 2025 on the file of the Additional Subordinate Court, Coimbatore. The petitioner is facing the said proceedings before the competent Civil Court. Meanwhile, the defacto complainant had also approached the respondent-Police, due to which, the respondent-Police issued summons to the petitioner. The petitioner has also responded to the



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summons issued by the first respondent/Police. But the first respondent-Police threatened the petitioner and also insisted the petitioner to repay the amount.

4. The dispute between the petitioner and the defacto complainant is money transaction. The defacto complainant had rightly approached the competent Civil Court. Pending suit, the police has no authority to issue summons to the petitioner under the guise of enquiry/investigation. Therefore, the said approach of the respondent Police is highly condemnable. The first respondent is directed not to harass the petitioner under the guise of enquiry.

5. In view of the same, this Criminal Original Petition is allowed.

16.06.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To



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1. The Deputy Superintendent of Police,
District Crime Branch (DCB),
Coimbatore District.
2. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J

mfa

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