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Crl.O.P.No.21183 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No. 21183 of 2025

Saravanan

... Petitioner

Vs.

1. The Superintendent of Police,
Linemedu, Salem,
Salem District.
2. The Inspector of Police,
Shevapet Police Station,
Salem District.
3. Sub-Inspector of Police,
Shevapet Police Station,
Salem District.
4. Jayakumar
Special Sub-Inspector of Police,
Shevapet Police Station,
Salem District.
5. Sankar

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to direct the respondents-Police not to harass the petitioner and family members under the guise of enquiry.



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For Petitioner : Mr.R.Thamarai Selvan
For Respondents : Dr.C.E.Pratap
Government Advocate (Crl.Side)
for R1 to R3

ORDER

The Criminal Original Petition is filed seeking a direction to the respondents 1 to 3/Police not to harass the petitioner and family members under the guise of enquiry.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for respondents 1 to 3 and perused the materials available on record.

3. Learned Government Advocate (Crl.Side) appearing for the respondents 1 to 3, on instructions, submitted that based on the complaint received from the 5th respondent herein, the second respondent-Police sent summons under Section 179 BNSS and 94 BNSS to the petitioner for enquiry on 17.07.2025. However, the petitioner has not appeared for enquiry on 17.07.2025, instead, he has filed the present petition.



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4. No doubt, after receiving the complaint, it is the duty of the Police to conduct an enquiry prior to registration of the case and to file a final report. However, calling the petitioner for enquiry cannot be taken as harassment. In the case on hand, as per the prosecution the petitioner was called for enquiry on 17.07.2025, instead of appearing before the respondent/Police, the petitioner rushed to this Court praying to direct the respondent/Police not to harass the petitioner and his family members under the guise of enquiry.

5. Taking note of the above facts, this Court is not inclined to interfere with the enquiry/investigation of the respondent/Police and there is no *prima facie* materials to show that respondent/Police have harassed the petitioner. Hence, this Criminal Original Petition is dismissed with a direction to the petitioner to co-operate for the enquiry/investigation as the case may be.

29.07.2025

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

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To

1. The Superintendent of Police,
Linemedu, Salem,
Salem District.
2. The Inspector of Police,
Shevapet Police Station,
Salem District.
3. The Sub-Inspector of Police,
Shevapet Police Station,
Salem District.
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

ms

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