



W.P.Crl.No.583 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

W.P.Crl.No.583 of 2025
and W.M.P.Crl.No.275 of 2025

1. R.Bharath Kumar
2. J.Raja Sekar
3. R.Santhi
4. J.T.Arasu @ J.Thirunavukkarasu ... Petitioners

Vs.

1. The State of Tamil Nadu,
Represented by, The Home Secretary,
Government of Tamil Nadu,
Secretariat, Fort Saint George,
Chennai – 600 009.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
3. The Commissioner of Police,
Tambaram Police Commissionerate,
Sholinganallur, Chennai – 600 119.
4. The Inspector of Police,
Tiruvallur AWPS,
Tiruvallur District.
5. (Redacted) ... Respondents



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PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, restraining the fourth respondent from harassing the petitioners.

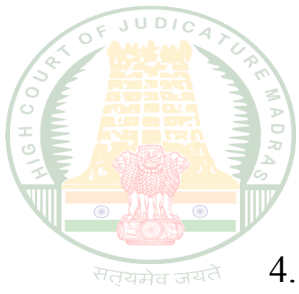
For Petitioners : Mr.Haja Mohideen Gisthi
For R1 to R4 : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The Writ Petition has been filed seeking a direction to the fourth respondent not to harass the petitioners.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for respondents 1 to 4.

3. It is the contention of the learned counsel for the petitioners that though the relationship between the first petitioner and the fifth respondent was consensual, merely based on the complaint given by the fifth respondent, the fourth respondent is harassing the petitioners. Hence, the present writ petition has been filed.



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4. It is seen that based on the complaint given by the fifth respondent, a case in Crime No.23 of 2025 has been registered for the offences punishable under Sections 351(2), 137, 127(2), 69 and 318(2) of BNS. Further, the allegations in the First Information Report itself indicate that there was a love affair between the first petitioner/A1 and the de facto complainant/R5. However, the family members of the first petitioner have also been arrayed as accused in this case.

5. In view of the above, this Court is of the considered opinion that the Investigating Officer must be fair enough in conducting the investigation and shall not harass the family members of the first accused unnecessarily. The Investigating Officer is directed to issue notice to the petitioners under Section 35 of BNSS (corresponding to Section 41A of Cr.P.C) and thereafter, conduct the enquiry by strictly adhering to the procedures prescribed therein. If a *prima facie* case is made out against the petitioners, the officer shall proceed further in accordance with law. On receipt of such notice, the petitioners shall appear for enquiry and co-operate with the investigation.

6. Accordingly, this Writ Petition stands disposed of with the



W.P.Crl.No.583 of 2025

aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

14.08.2025

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Neutral Citation: Yes/No

To

1. The Home Secretary,
Government of Tamil Nadu,
Secretariat, Fort Saint George,
Chennai – 600 009.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
3. The Commissioner of Police,
Tambaram Police Commissionerate,
Shollinganallur, Chennai – 600 119.
4. The Inspector of Police,
Tiruvallur AWPS,
Tiruvallur District.
5. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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