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CrI.O.P.No.30410 of 2025



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Crl.O.P.No.30410 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2025

CO RAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.30410 of 2025

and

Crl.M.P.No.20810 of 2025

Nereus Marine Pvt. Ltd.,
Rep. by its Managing Director,
Capt Durgesh Prathap Singh,
No.B401, The Great Eastern Summit,
Plot No.66, Sector 15,
CBD Belapur,
Navi Mumbai – 400 614.

... Petitioner

Versus

1.The Inspector of Police,
K-9, Thiru Vi Ka Nagar Police Station,
Chennai – 600 011.

2.Nireekshan Engineering Service Pvt. Ltd.,
Rep by K.P.Vijayakumar
No.259/125, 3rd Floor,
Linghi Chetty Street,
Parrys, Chennai – 600 001.

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023
praying to call for the records pertaining to the entire records relating to the



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impugned police summons dated 29.10.2025 issued by the 1st respondent under Sections 179 and 94 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, quash the same as illegal and arbitrary.

For Petitioner : Mr.L.P.Maurya

For Respondent-1 : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

For Respondent-2 : Mr.S.N.Arunkumar
For Mr.R.Suresh Kumar

ORDER

The petitioner received summons dated 29.10.2025 for his appearance before the first respondent on 03.11.2025. Challenging the same, the petitioner filed this petition for the reason that in the summons reference has been made to Sections 179 and 94 of the Bharatiya Nagarik Suraksha Sanhita (BNSS).

2.The learned counsel for petitioner submitted that without registering a case, commencement of investigation invoking Sections 179 and 94 of BNSS is not proper. In support of his contention, he relied upon the judgment



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rendered by this Court in Crl.O.P.No.26299 of 2025 dated 25.09.2025 and the

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judgment rendered by the Madurai Bench of this Court in Crl.O.P(MD)

Nos.9478 of 2025, etc. batch. dated 05.11.2025.

3.The learned Additional Public Prosecutor Submitted that as per Section 173(3) of BNSS, the police on receipt of information relating to the commission of any cognizable offence which is made punishable for three years or more but less than seven years, the officer incharge of the police station may with the prior permission from an officer not below the rank of Deputy Superintendent of Police, considering the nature and gravity of the offence proceed to conduct preliminary enquiry. In this case from the documents submitted by the petitioner it is confirmed that petitioner had taken service of the de-facto complainant and agreed to pay USD 6500.00 for cleaning of the hull and barge. He further submitted that though in the complaint the second respondent mentioned as USD 7500.00, the invoice produced by the petitioner confirms that it is for USD 6500.00. The



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petitioner's contention that invoice raised in UAE and the respondent police has got no jurisdiction cannot be countenanced, since the complaint narrates how the petitioner cheated the second respondent. The petitioner had sent a payment advice to the second respondent/de-facto complainant for USD 3,750.00. It is a part amount and later though swift message has been sent, it is not followed with any payment and the cleaning of hull completed. Under the false promise cheating has been committed. The respondent police would conduct proper investigation, if required register an F.I.R. thereafter proceed against the petitioner invoking Section 173(3) of BNSS.

4. On the submission of the petitioner and also both the respondents and on perusal of the materials, it is seen that there was transactions between the petitioner and the second respondent. Whether the payments made and cheating was at the inception or not, it is for the respondent police to decide and take appropriate decision and whether to invoke Sections 173(3) or 179 of BNSS, it is for the respondent to decide.



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5. With the above observations, the Criminal Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petition is closed.

21-11-2025

Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
rsi



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To

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1.The Inspector of Police,
K-9, Thiru Vi Ka Nagar Police Station,
Chennai – 600 011.

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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