



Crl.O.P.(MD)No.777 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.777 of 2025

1.Noor Mohamed
2.Najima Banu

... Petitioners

Vs.

1.State of Tamil nadu rep., by
The Superintendent of Police,
Trichy District, Trichy.

2.The Inspector of Police,
District Crime Branch,
District Police Office,
Subramaniyapuram,
Trichy 620 020

3.Mohamed Nizamudeen

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the second respondent not to harass the petitioners in the guise of enquiry by considering the first petitioner's representation dated 23.12.2024.

For Petitioners
For R1 & R2

: Mr.A.Prasanna Rajadurai
: Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

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The petitioners had been called for enquiry at odd hours frequently by the respondent police. On 23.12.2024, the petitioners had sent a representation to the respondents 1 and 2 not to harass the petitioners under the guise of enquiry. The first petitioner and the third respondent were into gold business and there was some dispute between them. The first petitioner had fallen into financial crisis. He had earlier given an undertaking that as and when his business got profit, amount would be paid, on the other hand, the respondent police are entering into the business transaction between the first petitioner and the third respondent and compelling the petitioners to settle the issue. Hence, the above petition.

2. The learned Additional Public Prosecutor submitted that on the complaint of the third respondent, the second respondent had registered a case in Crime No.97 of 2024 for the offences under Sections 420, 406 and 506(1) of IPC. The petitioners being accused in Crime No.97 of 2024 cannot claim that calling them for enquiry would amount to harassment. He fairly submitted that there is a circular by ADGP in



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C.No.18/ADGP/L&O/Camp/2024, dated 09.01.2024, wherein the police are directed not to be involved in civil matters, but in this case, FIR had been registered. For the purpose of investigation, the petitioners are required.

3. In view of the above, the petitioners are accused in Crime No. 97 of 2024 and calling them for investigation cannot be termed as harassment. In any event, if the police feels that issuance of 41A notice would be sufficient for appearance of petitioners, issue such notice and thereafter, call the petitioners for enquiry.

4. With the above observation, this Criminal Original Petition is disposed of.

20.01.2025

NCC : Yes / No

Index : Yes / No

Rmk



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District Police Office,
Subramaniyapuram,
Trichy 620 020
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

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