



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2025

CORAM

THE HONOURABLE **MR.JUSTICE P. DHANABAL**

Crl.O.P(MD)No.2059 of 2025

M.Alfred

... Petitioner

Vs

1. State of Tamil Nadu,
Rep. by the Superintendent of Police,
Thoothukudi District.

2. State of Tamil Nadu,
Rep. by the Inspector of Police,
DCB Police Station,
Thoothukudi District.

3. Rajesh

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to direct the 2nd respondent not to harass the petitioner under the guise of enquiry on the complaint lodged by the 3rd respondent by considering the petitioners representation dated 27.01.2025.



For Petitioner : Mr.K.Suyambulingabharathi,

For R1 and R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R3 : Mr.P.Selva Kumar

ORDER

This Criminal Original Petition has been filed seeking to direct the second respondent not to harass the petitioner under the guise of enquiry by considering the representation, dated 27.01.2025.

2.Mr.R. M.Anbunithi, learned Additional Public Prosecutor takes notice for the first and second respondent police and Mr.P.Selva Kumar, learned Counsel already filed vakalat on behalf of the third respondent.

3.The learned Counsel for the petitioner would submit that he is running a real estate office at Tirunelveli for the past twenty years. While so, the petitioner received a summons from the second respondent based on the complaint given by the third respondent. He also appeared before the second respondent police on 28.06.2024. Thereafter, he came to know



about the facts of the complaint and also he submitted a written statement by denying all the allegations leveled in the complaint. The complaint was lodged in the year 2023. But still the second respondent police is very often asking the petitioner to come to the respondent police station without any reasons. Thereafter, the petitioner has sent a representation dated 27.01.2025 seeking not to harass the petitioner. But the same has not been considered by the second respondent police. Therefore, this petition has been filed.

3.The learned Additional Public Prosecutor appearing for the respondent police 1 and 2 would submit that based on the complaint given by the third respondent, the respondent police have conducted an enquiry and thereafter, they have sent some documents to the Forensic Laboratory and obtained report from the Forensic Laboratory. He would further submit that the enquiry will be completed within a period of one week and the respondent police did not harass the petitioner as stated in the petition.

4.The learned Counsel for the third respondent would submit that the petitioner received a sum of Rs.40 Lakhs and issued a receipt for that and thereafter, failed to repay the amount. In fact the petitioner received the



said money to take steps to purchase a property in the name of the third respondent. Therefore, the third respondent has lodged the complaint.

5. Since the second respondent conducted enquiry in respect of the complaint lodged by the third respondent, it is for the respondent police to dispose of the representation of the petitioner within a period of one week, from the date of this order.

6. Accordingly, the second respondent is directed to complete the enquiry and to dispose of the representation of the petitioner, dated 27.01.2025, within a period of one week, from the date of this order.

7. With the above observations and direction, this Criminal Original Petition is disposed of.

05.02.2025

Internet : Yes
Index : Yes/No
NCC : Yes/No
LR



To

WEB COPY

1. The Superintendent of Police,
Thoothukudi District.
2. The Inspector of Police,
DCB Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

LR

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