



Crl.O.P.(MD)No.2942 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.02.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.2942 of 2025

S.Durairaj

... Petitioner

Vs.

1. The State of Tamil Nadu,
The Superintendent of Police,
Virudhunagar District.

2. The Inspector of Police,
Rajapalayam South Police Station,
Rajapalayam - 626117
Virudhunagar District.
(Crime No. 129/1999).

3. K. Subburaj

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to the 2nd respondent police to not to harass the petitioner under the guise of the enquiry based on the complaint given by the 3rd respondent.

For Petitioner : Mr.K.Samidurai

For R-1 & R-2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



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ORDER

This petition is filed by the petitioner to direct the 2nd respondent not to harass the petitioner in the guise of enquiry based on the complaint given by the 3rd respondent.

2. According to the petitioner, he is a senior citizen and a false case has been given as against the petitioner in Crime No. 129 of 1999. Thereafter, the said case has been charge sheeted and taken on file in S.C.No.30 of 2001 and the same was ended in acquittal as against the petitioner. In the same case, the petitioner's son was also arrayed as one of the accused and he is now absconding and the case has been split up as against the son of the petitioner and the same is pending in P.R.C.No.4 of 2002 and the Non Bailable Warrant (NBW) is also pending as against the petitioner's son namely Jayachandran. While so, the respondent police frequently used to come to the petitioner's residence and harass the petitioner under the guise of searching the petitioner's son. Already the petitioner has also lodged a complaint before the same police for the missing of his son. While so, the respondent police used to harass the petitioner, hence he filed this petition.



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3. The learned Government Advocate (Criminal) appearing for the respondents no.1 and 2 would submit that already the case has been registered in Crime No. 129 of 1999 and the petitioner is one of the accused and the petitioner's son Jayachandran also arrayed as accused. But, during the pendency of the proceedings, the petitioner's son was absconded and thereby, the case has been split up as against the petitioner in S.C.No.30 of 2002 and the same was disposed of by acquitting the accused. Since NBW is pending against the son of the petitioner, they have searched the house of the petitioner to execute the NBW pending against the son of the petitioner. Apart from that, they have not harassed the petitioner as alleged in the petition.

4. Heard both sides and perused the records.

5. Since the petitioner's son is one of the accused in the sessions case and the NBW is also pending against the son of the petitioner, the respondent police have searched the son of the petitioner. However, the learned Government Advocate would submit that they have not harassed the petitioner, they only made search of the petitioner's son. Therefore, recording the above submission of the respondents no.1 and 2 that they only made search of the petitioner's son to execute the NBW pending as against



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him and apart from that, they have no way harassed the petitioner, this petition can be disposed of. It is open for the petitioner to approach the authorities if any violations made during the search.

6. Recording the above said submissions, this criminal original petition is disposed of. No costs.

17.02.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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P. DHANABAL, J.,

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To

1. The Superintendent of Police,
Virudhunagar District.

2. The Inspector of Police,
Rajapalayam South Police Station,
Rajapalayam - 626117,

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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