



CRL.OP(MD) NO.3042 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.3042 of 2025

Subbaiah

... Petitioner

vs.

1.The Superintendent of Police,
Tenkasi.

2.The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to direct the second respondent not to harass the petitioner and his family members under the guise of enquiry.

For petitioner : Mr.A.Thiyagarajan

For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)



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ORDER

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The petition has been filed by the petitioner to direct the second respondent not to harass the petitioner and his family members under the guise of enquiry.

2. According to the petitioner, he has two daughters and one son and the petitioners' son Mahendran, is working as a sales executive in a private company at Nagercoil. In the year 2022, a false case was registered against his son in Crime No.100 of 2022 and the same is pending. While so, Section 107 of Criminal Procedure Code/126 of Bharatiya Nyaya Sanhita proceedings was also initiated against his son. He also executed bond for maintaining good behavior for one year. The petitioner's son used to visit his family once in a week. While so, the second respondent police came to his house on 16.01.2025 and took photographs of his entire family. Thereafter, the second respondent police frequently visited the petitioner's house at night hours. For that incident, he sent representation on 31.01.2025 and the same has not been considered by the first respondent police. Therefore, he filed this petition.



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3. The learned Government Advocate (Crl.Side) appearing for the respondents would submit that the second respondent, in order to serve notice to the petitioner's son, namely, Mahendran, for the proceedings under Section 107 Cr.P.C/126 of BNS, searched him in the house of the petitioner. The petitioner filed this petition with false allegations. Hence, he prays to dismiss this petition.

4. This Court heard both sides and perused the records.

5. According to the petitioner, the respondents police, in odd hours, went to the house of the petitioner and harassed under the guise of enquiry. It is also admitted fact that the case has been registered in Crime No.100 of 2022 against the petitioner's son and section 107 of Cr.P.C/126 of BNS proceedings has also been initiated against the petitioner's son and the police, in order to serve notice under Section 107 of Cr.P.C/126 of BNS, went to the petitioner's house. But, at the same time, the respondent police denied the allegation made by the petitioner that they are harassing the petitioner. Therefore, it is appropriate to record the submission of the respondents that they have not harassed the petitioner and they went to the house of the petitioner to issue summon to the petitioner's son.



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6. Recording the submission of the learned Government Advocate

WEB COPY (Crl.Side) for the respondents police, this Criminal Original Petition is disposed of.

18.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To

1.The Superintendent of Police,
Tenkasi.

2.The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi.

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



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P.DHANABAL,J

apd

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