



Crl.O.P(MD)No.3640 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.3640 of 2025

D.M.Venkateswaran

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.

2.The Assistant Commissioner of Police,
Central Crime Branch-III,
Office of Commissioner of Police,
3rd Floor, Room No.47,
Alagarkovil Road,
Madurai City.

3.Muthuraja

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S., 2023, to direct the first respondent to instruct the second respondent not to harass the petitioner under the guise of enquiry without due process of law and pass such further or other orders as this Court.



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For Petitioner : Mr.R.Mathava Selvam

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

ORDER

This Criminal Original Petition has been filed to direct the first respondent to instruct the second respondent not to harass the petitioner under the guise of enquiry without due process of law.

2. According to the petitioner, the petitioner owned a land at Kaza Street for an extent of 27,693 square feet and constructed cinema theatre, namely, Amirtham Theatre and also got license to run the theatre. While so, one Alagarsamy approached the petitioner for purchase of the property and already sale deed was executed on 14.02.2022 for a sum of Rs.2,15,00,000/-. Though the sale deed was registered on 14.02.2022, still the Alagarsamy has to return a sum of Rs.25,00,000/- to the petitioner. Now the Alagarsamy has been running the theatre and there is a dispute in respect of the purchase of projector. While so, the second respondent without any basis lodged a false complaint before the second respondent and based on the complaint, the second respondent used to



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call frequently for enquiry. Therefore, the petitioner sent a representation, dated 18.02.2025 and the same has not been considered. Hence, the petition is filed.

3. The learned Government Advocate (Crl. Side) appearing for the official respondents would submit that the petitioner sold the property to one Sushma, daughter of Alagarsamy by including the railway property and later, the said Sushma came to know about the sale of railway property and thereafter, when they approached the petitioner to settle the matter, the petitioner refused to settle the matter. Therefore, the Manager of the said Amirtham Theatre which is belongs to Sushma, lodged a complaint before the second respondent and based on the complaint, the second respondent issued summon to the petitioner and he also appeared on 17.02.2025. On that day, he sought for adjournment to produce some documents. Thereafter, the petitioner filed this petition without appearing for enquiry. Apart from that, these respondents have not harassed the petitioner. Only to evade from the enquiry, he filed this petition. Therefore, the petition is liable to be dismissed.



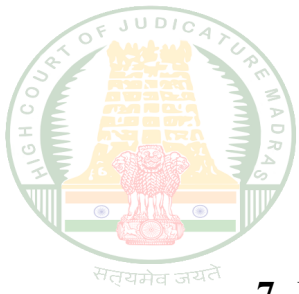
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4. Considering the limited scope of the prayer sought for in this petition, this Court without even issuing notice to the third respondent inclined to dispose this petition.

5. The prayer of the petitioner is to direct the second respondent not to harass the petitioner. According to the second respondent, based on the complaint lodged by the third respondent, only enquiry purpose they called the petitioner and the petitioner also appeared on 17.02.2025 and thereafter, did not appear. Therefore, they called the petitioner only for the enquiry purpose. Apart from that, they have not harassed the petitioner.

6. In view of the above said representation of the learned Government Advocate (Crl. Side) appearing for the official respondents and recording the same, this Court directs the second respondent to complete the enquiry and dispose of the same in the manner known to law, within a period of one (1) week from the date of this order.



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7. With the above said directions, this Criminal Original Petition stands disposed of.

26.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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Office of the Commissioner of Police,
Madurai City.
- 2.The Assistant Commissioner of Police,
Central Crime Branch-III,
Office of Commissioner of Police,
3rd Floor, Room No.47,
Alagarkovil Road,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

BTR

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