



CRL.OP(MD) NO.5259 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.5259 of 2024

Meganathan

... Petitioner

Vs.

1.The Commissioner of Police
Tirunelveli City,
Tirunelveli.

2.The Inspector of Police
Perumalpuram Police Station,
Perumalpuram,
Tirunelveli City and District.

3.Vignesh

... 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 in the guise of the enquiry/conciliation without following due process of law.



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CRL.OP(MD) NO.5259 of 2024

For petitioner : Mr.P.Sujai Krishna
For R1 & R2 : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)
For R3 : Mr.M.P.Senthil

ORDER

This petition has been filed by the petitioner to direct the second respondent not to harass the petitioner in the guise of the enquiry/conciliation without following due process of law.

2. Mr.M.Sakthi Kumar, the learned Government Advocate (Crl.Side) takes notice for the respondents 1 and 2. Mr.M.P.Senthil, the learned counsel takes notice for the third respondent.

3. The learned counsel for the petitioner would submit that there is a dispute between the petitioner and the third respondent in respect of trade mark. The third respondent approached the learned Judicial Magistrate No.I, Tirunelveli by filing complaint under Section 175(3) of BNSS and the same was forwarded to the second respondent. Now, taking advantage of the same, the second respondent police harassed the petitioner by asking the petitioner to appear for enquiry. Already, the



CRL.OP(MD) NO.5259 of 2024

petitioner filed a civil suit for trade mark and the same is pending in

O.S.No.106 of 2023 before the Principal District Judge, Tirunelveli.

However, the second respondent harassed the petitioner. Hence, he filed this petition.

4. The learned counsel for the third respondent would submit that already the third respondent approached the learned Judicial Magistrate No.I, Tirunelveli by filing the complaint under Section 175(3) of BNSS. Thereafter, the same was forwarded to the second respondent as to register FIR. But, till date, they have not taken any steps.

5. The learned Government Advocate (Crl.Side) for the respondents 1 and 2 would submit that as per the order passed by the learned Judicial Magistrate No.I, Tirunelveli, the second respondent police was directed to enquire the case and submit a report before the Court, if any cognizable offence is made out. If no offence is made out, the Investigating Agency may close the same. While so, the second respondent issued summons to the petitioner for enquiry, however, he did not appear. In the meantime, he filed this petition. Therefore, they will act in accordance with the order passed by the Judicial Magistrate No.I, Tirunelveli and they have not



CRL.OP(MD) NO.5259 of 2024

harassed the petitioner as alleged by the petitioner.

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6. Heard on both sides and perused the records.

7. The prayer of the petitioner is to direct the second respondent not to harass the petitioner. However, the second respondent denied the alleged harassment and based on the order passed by the learned Judicial Magistrate No.I, Tirunelveli, they called the petitioner for enquiry.

8. Recording the submission of the learned Government Advocate (Crl.Side), this Criminal Original Petition is closed.

17.03.2025

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

To

1.The Commissioner of Police
Tirunelveli City,
Tirunelveli.

2.The Inspector of Police
Perumalpuram Police Station,
Perumalpuram,
Tirunelveli City and District.

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



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CRL.OP(MD) NO.5259 of 2024

P.DHANABAL,J

apd

CrI.OP(MD) No.5259 of 2024

17.03.2025