

Crl.O.P.(MD)No.13614 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13614 of 2025
and Crl.MP(MD)No.10840 of 2025

M.Muneeswaran

... Petitioner

versus

1. The State of Tamil Nadu, rep. by
The Director General of Police,
Tamil Nadu Police Department,
Dr.Radhakrishnan Road,
Mylapore,
Chennai – 600 004.

2. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3. The Additional Superintendent of Police,
Virudhunagar District,
Virudhunagar.

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the summon impugned in Na.Ka.No. 17/Koo.ka/ka(tha.e)/Viruthu/2025 dated 08.08.2025 issued by the 3rd respondent herein and quash the same as illegal.

For Petitioner : Mr.M.Ganeshkamu

For Respondents : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



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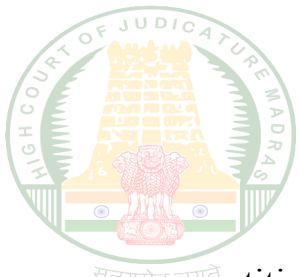
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ORDER

The petitioner has challenged the summon issued by the 3rd respondent Police in Na.Ka.No.17/Koo.ka/ka(tha.e)/Viruthu/2025 dated 08.08.2025 on the ground that in the enquiry, which has already been closed, a summon has been issued by the respondent Police.

2. It appears that by the impugned notice, the Additional Superintendent of Police, Virudhunagar, has called the petitioner to appear for enquiry on 13.08.2025 at about 10.00 a.m. and to furnish the details if any available with him, based on a complaint given by him.

3. The learned counsel appearing for the petitioner submits that a complaint was lodged by the petitioner on 06.01.2025 to the first respondent and the same was forwarded to the second respondent, who in turn, directed the 3rd respondent to conduct an enquiry. During the enquiry, the persons, who have threatened the petitioner, have also appeared before the 3rd respondent and gave an undertaking that they would not disturb the petitioner's business and by recording the same, the 3rd respondent has closed the complaint. In the closed complaint, once again, the 3rd respondent has issued a summon. Therefore, the petitioner has filed this

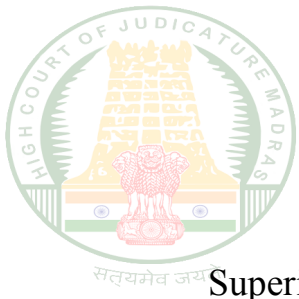


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petition challenging the summon issued by the 3rd respondent.

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4. The learned Government Advocate (CrI. Side) submits that the petitioner is a political functionary and also a real estate broker. He had some business transaction with one Ochubalu of another political party. He lodged a complaint as against the said Ochubalu before the first respondent on 06.01.2025 and the same was forwarded to the second respondent, who in turn, directed the 3rd respondent to conduct enquiry, based on which, the 3rd respondent has conducted current paper enquiry. They have called the parties for enquiry and closed by recording the statement given by them. From the office of the first respondent, they asked feedback with regard to the manner in which the enquiry was conducted by 3rd respondent. In the feedback, the petitioner has expressed that the enquiry conducted by the 3rd respondent is not in proper manner. Therefore, the Deputy Inspector General, Madurai Zone, by his proceedings dated 02.04.2025, directed an enquiry to be conducted by a higher level officer. Accordingly, the Superintendent of Police, by his proceedings in Na.Ka.No.G5/14973/72/2025 dated 07.04.2025 has directed the Additional Superintendent of Police, Virudhunagar District, to conduct an enquiry on the complaint of the petitioner dated 06.01.2025. The Additional



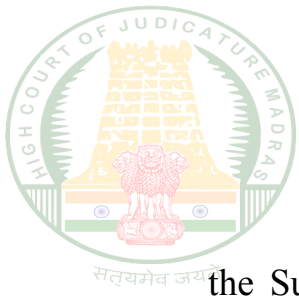
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Superintendent of Police has issued a summon for enquiry in Na.Ka.No. 17/Koo.ka/ka(tha.e)/Viruthu/2025 dated 08.08.2025, which is impugned in this petition. After receiving this notice, the petitioner has filed this petition seeking to quash the summon on the ground that for the enquiry which has already been concluded, he has been unnecessarily issued with a summon for enquiry before the Additional Superintendent of Police on 13.08.2025.

5. From the proceedings placed before this Court, it is seen that the first respondent asked feedback from the petitioner with regard to the manner in which the enquiry was conducted by 3rd respondent. In the feedback, the petitioner has expressed that the enquiry was not conducted in a proper manner. Only thereafter, the first respondent, by his proceedings dated 02.04.2025, directed an enquiry to be conducted by a higher official. Based on the said direction, the Superintendent of Police directed the Additional Superintendent Police to conduct an enquiry on the complaint of the petitioner dated 06.01.2025. Therefore, the impugned summon has been issued.

6. Therefore, this Court is of the view that the petitioner is the reason for the subsequent proceedings of DIG dated 02.04.2025, the proceedings of



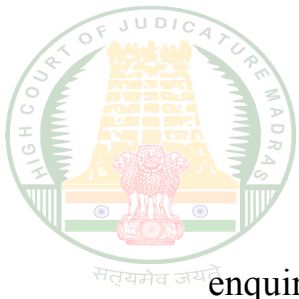
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the Superintendent of Police dated 07.04.2025 and also for the summons issued by the Additional Superintendent of Police dated 08.08.2025. The Additional Superintendent of Police has also conducted an enquiry and filed his report to the Superintendent of Police. Therefore, there is no error on the part of the Additional Superintendent of Police in issuing summon pursuant to the directions of DIG and the Superintendent of Police on the complaint of the petitioner dated 06.01.2025.

7. In fact, the petitioner has stated in his petition that the 3rd respondent has conducted an inquiry on his representation and found that no such threatening was made by Ochubalu and ultimately, his representation was closed. The petitioner also admits in his petition that based on the complaint, an enquiry was conducted and it was closed on 19.02.2025. However, the petitioner made a statement otherwise when he was enquired by the Office of the DIG, which resulted in the subsequent enquiry and the subsequent notice on the petitioner's complaint. This follow-up action has to be appreciated.

8. When the petitioner was enquired about the disposal of his complaint, he only made a statement that he was not satisfied with the



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enquiry, which paved the way for issuance of subsequent summon.

However, the summon has been questioned by way of this petition that for the enquiry, which has already been concluded, the respondent are conducting an enquiry by issuing a further summon. Therefore, this Criminal Original Petition deserves to be dismissed. The irresponsible behaviour of the petitioner needs to be addressed with cost of Rs.10,000/-.

9. Accordingly, this Criminal Original Petition is dismissed with cost of Rs.10,000/- (Rupees ten thousand only), which is payable by the petitioner to the Tamil Nadu Police Benevolent Fund. Consequently, connected miscellaneous petition is closed.

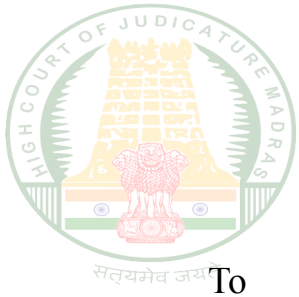
18.08.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To
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1. The Director General of Police,
Tamil Nadu Police Department,
Dr.Radhakrishnan Road,
Mylapore,
Chennai – 600 004.
2. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
3. The Additional Superintendent of Police,
Virudhunagar District,
Virudhunagar.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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