



Crl.O.P.(MD)No.19806 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.19806 of 2024

Nagarajan

... Petitioner

Vs.

1.The State of Tamil Nadu, rep. by its,
The Inspector of Police,
District Crime Branch,
Virudhunagar.

2.Pandiyarajan

...Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to issue a direction, directing the 1st respondent to “Not to Harass” the petitioner and not to interfere in the civil dispute, on the alleged complaint given by the de-facto complainant viz., the 2nd respondent, on the basis of the representation dated 09.11.2024.

For Petitioner	: Mr.P.M.Vishnuvarthanan
For R-1	: Mr.K.Sanjai Gandhi Government Advocate (Crl. Side)
For R-2	: Mr.M.Palani



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ORDER

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The petitioner seeks for a direction to the first respondent not to harass him under the guise of enquiry by considering his representation dated 09.11.2024.

2. The learned Government Advocate, on instructions, would submit that an enquiry is pending against the petitioner and others on the complaint given by the second respondent; that the first respondent, on the basis of the evidence collected so far, has found that there is a *prima facie* case against the petitioner; and that the petitioner is not co-operating with the enquiry.

3. It is well settled that the respondent Police cannot harass the petitioner or any other person under the guise of enquiry. At the same time, for collection of evidence, they can require the presence of the petitioner. If the petitioner's presence is required for enquiry, the first respondent shall issue summons and on such summons, the petitioner shall co-operate with the enquiry. Till a decision is taken as regards registration of FIR, no precipitative action shall be taken against the petitioner. It is needless to say that if the first respondent registers an FIR, it is open to the petitioner to challenge the same or take such action as may be advised.



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4. With the above observations, this Criminal Original Petition stands closed.

02.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

1.The Inspector of Police,
District Crime Branch,
Virudhunagar.

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



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SUNDER MOHAN, J.

Lm

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