



WEB COPY

CRL OP No. 5204 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 5204 of 2026

K.S.Balasundar

..Petitioner(s)

Vs

1.The Commissioner of Police,
O/o. Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Chennai 600 007.

2.The Inspector of Police,
W30, All Women Police Station,
Neelankrai, Thiruvanmiyur,
Chennai 600 041.

3.V.Rajasekar

..Respondent(s)

PRAYER: The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to issue a direction to the second respondent Police from harassing the petitioner and his family members in the guise of enquiry in connection with C.S.R.No.117 of 2024 on the file of the first respondent, particularly when the matrimonial dispute is already pending before the IV Additional Family Court, Chennai.

For Petitioner(s):

Mr.S.Venkatesan for
Mr.D.B.Kalai Chelve

For Respondent(s):

Mr.Leonard Arul Joseph Selvam,
Addl. Public Prosecutor for R1 & R2



ORDER

WEB COPY This Criminal Original Petition has been filed seeking a direction to the second respondent not to harass the petitioner under the guise of enquiry in connection with C.S.R.No.117 of 2024.

2. The case of the petitioner is that the de facto complainant, who is the second respondent herein, had lodged a complaint stating that his daughter was given in marriage to the petitioner's son. Subsequently, alleging harassment and demand of dowry, she was driven out of the matrimonial home and therefore, a complaint was lodged before the first respondent police, based on which, C.S.R.No.117 of 2024 was registered. The petitioner's son is working abroad and has recently returned to India. Thereafter, the petitioner and his son were called for enquiry by the respondent police. According to the petitioner, the said enquiry has now turned into harassment.

3. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that if the petitioner along with his son appears before the second respondent, the second respondent will conduct an enquiry in accordance with law and take further action, if necessary.



4. At this juncture, the learned counsel for the petitioner, on instructions, submitted that the petitioner is now ready to appear before the second respondent for enquiry.

5. Considering the submissions made and on perusal of the materials it is seen that there is a matrimonial dispute between the petitioner's son and the de facto complainant's daughter, due to which, the petitioner was called for enquiry. The second respondent is at liberty to issue notice to the petitioner and his son, conduct enquiry and proceed in accordance with law.

6. Such being the position, it is for the Investigating Agency to issue appropriate notice to the petitioner under Section 35(3) of BNSS for enquiry and on receipt of such notice, the petitioner and his son shall appear for enquiry on 17.03.2026, without fail. If the petitioner and his son fails to appear, the second respondent shall take appropriate action. It is made clear that the second respondent shall conduct an enquiry and the petitioner and his son shall not be harassed during the course of enquiry. If any cognizable offence is made out, the second respondent Police shall register a First Information Report and proceed in accordance with law.



7. Accordingly, this Criminal Original Petition stands disposed of.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VKR

To

- 1.The Commissioner of Police,
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- 3.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

VKR

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