



Crl.O.P.No.5926 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2026

CORAM:

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.5926 of 2026

Prince Marian

... Petitioner

Vs.

1. The Commissioner of Police,
Chennai.

2. The Inspector of Police,
T-18, Mugalivakkam Police Station,
Chennai.

3.Kalaiyaran

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to direct the respondents 1 and 2 not to harass the petitioner in the guise of enquiry on the complaint in C.S.R.No.261 of 2025 given by the third respondent.

For Petitioner : Mr.K.S.Abishek

For Respondents : Mr.Leonard Arul Jospeh Selvam
Additional Public Prosecutor



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ORDER

The present Criminal Original Petition has been filed seeking a direction to the respondents 1 and 2 not to harass the petitioner under the guise of enquiry.

2. The case of the petitioner is that he was entrusted with the construction of the third respondent's house and had carried out the work. However, the third respondent refused to continue the construction and lodged a complaint, due to which, the petitioner was called for enquiry by the second respondent.

3. The learned Additional Public Prosecutor, on instructions, submitted that based on the complaint given against the petitioner, the second respondent Police are conducting an enquiry and that the petitioner was called only for enquiry and was not harassed during the enquiry.

4. Considering the submissions made and on perusal of the materials it is seen that the petitioner is called for enquiry based on the complaint given by the third respondent. The petitioner was entrusted by the



third respondent to construct his house for a sum of Rs.56,00,000/-. The construction is only halfway through. Thereafter, the third respondent, being the owner, was not willing to continue the construction with the petitioner for various reasons. So far, the third respondent has paid a sum of Rs.30,00,000/-. The petitioner has demanded additional money, whereas, the independent surveyor has assessed the value of the construction carried out at Rs.24,50,000/-. On the complaint given by the third respondent, the petitioner appeared thrice for enquiry and thereafter, failed to appear before the second respondent. Though, in the earlier enquiry, the petitioner has agreed to settle the dispute and hand over the possession of the property to the third respondent, he later created obstacles and demanded more money. The second respondent would serve notice to the petitioner to conduct enquiry and proceed in accordance with law.

5. 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 shall appear for enquiry and co-operate in the investigation. It is made clear that the second respondent shall conduct an enquiry within a period of one month from the date of receipt of a copy of this order and the petitioner shall not be harassed during the course of enquiry. If any cognizable offence is made



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out, the second respondent Police shall register a First Information Report and proceed in accordance with law.

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

09.03.2026

Neutral Citation: Yes/No
vkr

To

1.The Commissioner of Police,
Chennai.

2. The Inspector of Police,
T-18, Mugalivakkam Police Station,
Chennai.

3.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

vkr

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