Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.Crl.No. 2847 of 2026

CNR:{HCMA012469852026}

Saminathan
S/o.Marimuthu

..Petitioner(s)

Vs

1. The Superintendent of Police
   Salem District, DPO, Salem.

2. The Deputy Superintendent of Police
   Salem District, DPO, Salem.

3. The Inspector of Police
   Sankari Police Station,
   Salem District.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing 3rd respondent not to harass the petitioner under the guise of enquiry based on the representation dated 08.09.2026.

For Petitioner(s): Mr.Mageshwaran S.K.

For Respondent(s): Mr.S.Yogaraja Sekar
Counsel for Government of Tamil Nadu
(Crl.Side)

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O R D E R

The petitioner seeks a mandamus directing the respondent police not harass him under the guise of an enquiry.

2. It is the plea of the petitioner that he is a purchaser of an earth-moving machine of the JCB model and that the third respondent police are calling him for enquiry, harassing him and asking him to return the JCB to the complainant, one Selvaraj. Hence, the present Writ Petition.

3. When the matter was taken up for hearing, Mr.S.Yogaraja Sekar reports that the petitioner had allegedly purchased the JCB from one Perumal. The said Perumal had taken the earth-moving equipment from Mr.Selvaraj on lease and thereafter, had transferred the vehicle to the petitioner. As a complaint had been lodged by Mr.Selvaraj, the police had called the petitioner for enquiry. He states that it is not a case of petition enquiry, but an F.I.R. itself has been registered in Crime No.453 of 2026 by the third respondent police on 15.10.2026.

4. Mr.Mageshwaran S.K. states that the petitioner had purchased the vehicle from Perumal.

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5. Whether Selvaraj is the owner of the vehicle or whether Perumal had legally transferred the vehicle in favour of the petitioner is a matter of investigation. The petitioner cannot refuse to appear before the respondent police. The effect of granting the mandamus sought by the petitioner would be to prevent the police from investigating a crime, which they are legally and statutorily bound to do. I find no reason to grant the mandamus sought by the petitioner.

This Writ Petition (Criminal) is dismissed.

28-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
1. The Superintendent of Police
   Salem District, DPO, Salem.

2. The Deputy Superintendent of Police
   Salem District, DPO, Salem.

3. The Inspector of Police
   Sankari Police Station,
   Salem District.

4. The Public Prosecutor,
   High Court, Madras.

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V.LAKSHMINARAYANAN J.

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