

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.Nos.26655 & 25042 of 2015

Crl.O.P.No.26655 of 2015

M.Loganayagi @ Selvi

... Petitioner

Vs

The Inspector of Police,
Tiruttani Police Station,
Tiruvallur District.

... Respondent

Crl.O.P.No.25042 of 2015

1. V.Suseela
2. P.Anitha
3. K.M.Santhoshkumar
4. K.Prabhavathi
5. K.S.Yogalakshmi

.... Petitioners

Vs

1. The Superintendent of Police,
Tiruvallur District,
Tiruvallur.

2. The Inspector of Police,
Tiruttani Police Station,
Tiruvallur District.

3. M.Loganayagi @ Selvi

... Respondents

Prayer in Crl.O.P.No.26655 of 2015:

This Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent police to register the complaint of the petitioner dated 13.06.2015 and 08.07.2015.

Prayer in Crl.O.P.No.25042 of 2015 :

This Criminal Original Petition filed under Section 482 Cr.P.C. seeking direction to the respondents or their subordinates not to harass the petitioners under the guise of an enquiry in connection with the civil dispute between them and the third respondent by considering their complaint dated 21.04.2015, 23.06.2015 and 01.10.2015 in the light of the decision of this Court in R.Mala Case (2007 (3) L.W. 68).

For Petitioners

in Crl.OP.25042/15 : Mr.N.Manokaran
in Crl.OP.26055/15 : Mr.S.Udayakumar

For Respondent in

Crl.OP.26555 of 2015
and Respondents 1 and 2
in Crl.OP.25042 of 2015 : Mr.C.Emalias
Additional Public Prosecutor

For Respondent 3

in Crl.OP.25042/15 : Mr.S.Udayakumar

C O M M O N O R D E R

The Criminal Original Petition No.26655 of 2015 has been filed seeking a direction to the respondent police to register the complaints of the petitioner dated 13.06.2015 and 08.07.2015.

2. The Criminal Original Petition No.25042 of 2015 has been filed seeking a direction to the respondents or their subordinates not to harass the petitioners under the guise of an enquiry in connection with the civil dispute between them and the third respondent by considering their complaints dated 21.04.2015, 23.06.2015 and 01.10.2015 in the light of the decision of this Court in R.Mala Case (2007 (3) L.W. 68).

3. The petitioner in Crl.O.P.No.26655 of 2015 has lodged a complaint against the petitioners in Crl.O.P.No.25042 of 2015. Since the issue involved in both the Criminal Original Petitions are interlinked with each other, both the Criminal Original Petitions are disposed of by way of Common Order.

4. The first and second petitioners in Crl.O.P.No.25042 of 2015 are the daughters of the third petitioner. The fourth petitioner is the son of the third petitioner and the fifth petitioner is the wife of the fourth petitioner. The petitioners 1 to 3, being the owners of a house site No.42 measuring 2400 sq.ft., bearing new S.No.94/1A and 94/1B, Amirthapuram Village, Tiruttani Taluk, Tiruvallur District, had entered a sale agreement with the third respondent agreeing to sell the property for Rs.42 lakhs. The petitioners 1 to 3 received an advance of Rs.5 lakhs on 23.10.2013 and the parties to the said agreement had agreed to complete the contract within a period of three months. According to the petitioners, the third respondent has voluntarily agreed to purchase the above house site knowing fully well about the suit in O.S.No.163 of 2013 pending on the file of the learned District Munsif Court, Tiruttani.

5. While so, when the petitioners expressed their willingness to execute the sale deed, the third respondent started threatening the petitioners under the guise of giving undue pressure to come for settlement. In this regard, a katta panchayat was also convened wherein, the third respondent managed to get a consent letter from the petitioners as if they agreed to rescind the agreement dated 23.10.2013 and to repay the advance amount of Rs.10 lakhs on or before 31.10.2014. In this regard, the petitioners sent a legal notice to the third respondent. After the receipt of the legal notice, the third respondent along with her brother, threatened the petitioners to repay the advance amount. Hence the petitioners lodged a complaint against the third respondent. When the petitioner were called for enquiry, they came to know that the third respondent had also lodged a complaint before the second respondent with false allegations. The first and second respondents are harassing the petitioners under the guise of enquiry. Hence, they have come forward with the present petition.

6. The counter petitioner in Crl.O.P.No.25042 of 2015 has filed Crl.O.P.No.26655 of 2015 seeking a direction to the respondent police to register her complaints dated 13.06.2015 and 08.07.2015.

7. I have heard the learned counsel appearing for the petitioners in both the O.Ps. as well as the learned Additional Public Prosecutor appearing for the respondents.

8. In view of the submissions made on either side, this Court passes the following order :

CrI.O.P.No.26655 of 2015.

The respondent is directed to conduct enquiry and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in the matter, in accordance with law. During the course of enquiry, if the 2nd respondent comes to the conclusion that the matter is purely civil in nature, he may pass an appropriate order on the complaint of the petitioner.

CrI.O.P.No.25042 of 2015 :

(i) The petitioners are directed to cooperate with the enquiry.

(ii) The first and second respondents are directed to conduct the enquiry in accordance with law, without harassing the petitioners.

9. These criminal original petitions are disposed of accordingly.

Sd/-

Assistant Registrar(CS V)

//True Copy//

vrc

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tiruvallur District,
Tiruvallur.

2. The Inspector of Police,
Tiruttani Police Station,
Tiruvallur District.

3. The Public Prosecutor,
High Court, Madras.

+2cc's to Mr.S.Udayakumar, Advocate, S.R.No.65206 & 65207

+1cc to Mr.N.Manokaran, Advocate, S.R.No.65118

CrI.O.P.Nos.26655 & 25042 of 2015

PPA(CO)

CA(05/01/2016)