

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.Nos.8786 & 8832 of 2015

S. Mailappan ...Petitioner in both the CrIOPs.

Vs

1.The Inspector of Police
F-2, Egmore Police Station,
Egmore, Chennai 600 008.

2. A. Mohammed Ebrahim
Proprietor,
M/s. A to Z Enterprise,
New No.36, Old No.54,
Labbai Street, Pudupet,
Chennai-600 002.

...Respondent in both the
CrIOPs.

Prayer in Crl.OP.No.8786 of 2015: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first respondent not to harass the petitioner in any manner.

Prayer in CRL.OP.No.8832 of 2015: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents to return to the petitioner the following cheques leaves bearing the following Nos.929883, 929884, 929885, 929886 and 929887 drawn on Punjab National Bank, Eldams Road, Teynampet, Chennai 600 018 as referred to in complaint dated 04.04.2015.

For Petitioner : Mr.V. V. Sairam
in both the CrIOPs

For Respondents : Mr.C. Emalias,
Additional Public Prosecutor
in both the CrIOPs

COMMON ORDER

Heard the learned counsel for the petitioner and the learned
Additional Public Prosecutor for the respondents and perused the

material placed on record.

2.It is the allegation of the petitioner that he was abducted by one Mohammed Ebrahim on 03.04.2015 at about 02.30 p.m. and he was taken to F2, Egmore Police Station, Chennai, where he was assaulted by the police and from him, the following cheques were taken and given to the said Mohammed Ebrahim by the police:

Cheque No.	Amount
1.929887	-1,00,000/-
2.929886	-3,00,000/-
3.929883	-3,00,000/-
4.929884	-3,00,000/-
5.929885	-3,00,000/-

Total	-13,00,000/-

3. Thereafter, the petitioner lodged a complaint to the Commissioner of Police about the highhanded action of the Inspector of Police, F2 Police Station, Chennai, but there was no action. Hence, the petitioner has approached this Court with these petitions. Mr.R.Mathiyarasu, Inspector of Police, F2, Egmore Police Station, Chennai, has filed a status report wherein at Paras 2 to 4, he has stated as follows:

"2.It is submitted that on 03.04.2015 at about 14.30 hours, during my rounds on South Coovam Road Near Veerabathiran Street Junction, Pudupet, I noticed two persons verbally abusing each other. On questioning why they creating issues in public place on Tr.A.Mohamed Ebrahim claimed the other person Tr.Mailappan/petitioner herein owed him Rs.13 lakhs and was absconding for four years, he had suddenly and unexpectedly saw Mailappan passing on his two wheeler in Pudupet and asked him for his dues. The other person Mailappan agreed that he owes money to Tr.A.Mohamed Ebrahim/the second respondent herein. I advised both the parties not to create disturbance in public place and continued my rounds.

3.It is submitted that on reporting back to station post lunch around 17.00 hours, I saw both Mohamed Ebrahim and Mailappan were present in the Police Station and I asked them if their problem is yet not solved. The said Tr.Mohamed Ebrahim gave a complaint and it was registered in F2 Police Station in CSR.No.480/2015 t about 18.00 hours and Tmt.Viajayalakshmi, Sub Inspector of Police, F2, Police Station enquired them.

4.It is submitted that, after my evening rounds, I came to the F2 Egmore Police Station at about 20.30 hours and enquired them. Tr.A.Mohamed Ebrahim told that they worked out compromise by getting amount instead of land document from the petitioner/Mailappan as per his Letter of Understanding made in the year 2011 and Tr.Mailappan also agreed to pay through post dated cheques. I told them to give the matter in writing and leave and again warned them not to create law and order problem in my jurisdiction and they submitted the written letters by stating that they had compromised the matter. Hence, the abovesaid CSRNo.480/2015 was closed on the day itself."

4.A copy of the undertaking letter given by the petitioner was also submitted to this Court. The learned counsel for the petitioner submitted that the undertaking letter was not written by the petitioner and it was written by the Constable and the petitioner was forced to sign. On perusal of the undertaking letter, it is written in Tamil. In the last line, it is stated as follows:

"மேலும் பணத்தைக் கொடுக்கத் தவறினால் நீங்கள் எடுக்கும் நடவடிக்கைக்கு கட்டுப்படுவேன். நான் நல்ல முறையில் வீட்டுக்குச் செல்கிறேன்."

5.This itself shows that something untoward has happened during the enquiry. No person would give an averment of this nature, and therefore, it must have been the handi work of the police. Even according to Mohammed Ebrahim, he saw the petitioner four years later and suddenly and unexpectedly near Pudupet, asked him for his dues and at that time, the petitioner agreed to give five cheques, which looks unbelievable. There must have been police intervention for securing the cheques from the petitioner at the instance of the said Mohammed Ebrahim. Therefore, this Court is not convinced by the enquiry conducted by the respondent police.

6. To serve the interest of Justice, this Court directs Mr.Sudhakar, I.P.S., Deputy Commissioner of Police, Pulianthope, to conduct an enquiry on the complaint dated 04.04.2015 given by the petitioner and submit a report to the Commissioner of Police and shall take action in accordance with law. A copy of the Report shall be sent to this Court.

7.With the above direction, this petition is closed. The petitioner is directed to give a copy of the complaint filed before this Court, that was sent by him to the Commissioner of Police, to Mr.Sudhakar, I.P.S., Deputy Commissioner of Police, Pulianthope, for investigation. The enquiry shall be completed within three months from the date of receipt of the copy of the complaint dated 04.04.2015 from the petitioner. The records in CSR.No.480 of 2015

shall be made available by the F2, Egmore police to Mr.Sudhakar,
I.P.S.,

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mps

To

1.The Inspector of Police
F-2, Egmore Police Station,
Egmore, Chennai 600 008.

2.The Public Prosecutor.
High Court, Chennai 600 104.

3.Mr.Sudhakar, I.P.S.,
Deputy Commissioner of Police,
Pulianthope Police District,
Pulianthope,
Chennai.

Copy to:

The Section Officer, Criminal Section, High Court, Madras

1 cc to Mr.V. V. Sairam ,Advocate, SR.No.6294

1 cc to Government Pleader, Sr.No20490, 20495

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pmk.14.5.2015

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