



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Crl.O.P.(MD)No.17628 of 2014

Selvaraj

... Petitioner

Vs.

1. The Superintendent of Police,
Sarvaiyar Colony,
K.Puthur,
Madurai District - 7.

2. The Sub Inspector of Police,
Nagamalai Puthukottai Police Station,
Nagamalai Puthukottai,
Madurai (District).

... Respondents

PRAYER: Petition under Section 482 of the Code of Criminal Procedure, the second respondent herein, not to harass the petitioner and his family members and further direct the first respondent to initiate appropriate action against the second respondent.

For Petitioner : Mr.G.Chandrasekhar

For Respondent : Mr.A.P.Balasubramanian

Government Advocate (Crl. Side)

ORDER

The petitioner has come before this Court seeking a direction to the Sub Inspector of Police, the second respondent herein, not to harass the petitioner and his family members and further direct the first respondent to initiate appropriate action against the second respondent.

2. It is the case of the petitioner that the borrowed a sum of Rs.20,000/- from one Karuthapandi as loan with interest of Rs.2500/- per month. Due to unforeseen circumstances, the petitioner could not make the payment regularly and therefore, the said Karuthapandi demanded repayment of the loan @ 8% interest per month. When things stood so, on 21.08.2014, based on the complaint of Karuthapandi, the petitioner, his wife, son-in-law and their neighbour, by name, Sakthivel, were taken to the Police Station and the petitioner was asked to sign in blank papers and the petitioner's son-in-law and his neighbour were forced to sign as witnesses. The Sub Inspector of Police directed the petitioner to pay a sum of Rs.32,000/- on 15.09.2014 and Rs.31,000/- on 15.10.2014. The petitioner could not arrange the amount and thereafter, the second respondent has been threatening him that he will be arrested on his failure to make the payment. Hence, the



petitioner has come before this Court.

3. The facts narrated above would show that the transaction is purely civil in nature. If the loan has not been repaid, then the only course open to the money lender is to approach the Civil Court for recovery of money. The Police cannot act as collecting agents of money lenders and therefore, the second respondent is directed not to harass the petitioner and his family members in the above matter. The Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar ()

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Sarvaiyar Colony,
K.Puthur,
Madurai District - 7.
2. The Sub Inspector of Police,
Nagamalai Puthukottai Police Station,
Nagamalai Puthukottai,
Madurai (District).
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.G.CHANDRA SEKAR, ADVOCATE IN SR NO.4074

PJL/NV

TE/SKS-RR/ : 09/02/2016 : P/C

W.P. (MD) No.17628 of 2014
22.01.2016