

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.Nos.6004 and 6011 of 2017

1.Anandaraaj

2.Bhuvaneswari

... Petitioners

in both the petitions

Vs

1.The Assistant Commissioner of Police,
Tharamani Area,
Tharamani, Chennai.

... 1st Respondent in
Crl.OP.No.6004 of 2017

The Assistant Commissioner of Police,
Thiruvanmiyur Area,
Thiruvanmiyur, Chennai.

... 1st Respondent in
Crl.OP.No.6011 of 2017

2.Sundarrajan @ Raja

... 2nd Respondent
in both the petitions

Criminal Original Petitions filed under Section 482 Cr.P.C.
to direct the first respondent not to harass the petitioners in
the matter of complaint lodged by the second respondent.

For Petitioners : Mr.C.Russel Raj

For Respondents : Mr.C.Emalias, APP

COMMON ORDER

The petitioners and the second respondent / defacto complainant in both the petitions are one and the same. These Criminal Original Petitions have been filed seeking a direction to the respective first respondent not to harass the petitioners pursuant to the complaint lodged by the second respondent herein.

2.It is the case of the petitioners that the second petitioner is the owner of a land and building situated at Thoraipakkam, Chennai; the second petitioner and her friend one Vijayaragavan have decided to establish a hotel business (partnership venture). As per the agreement, the land and

building of the second petitioner was agreed to be used for running the business and the money involved for running the business has to be provided by the said Vijayaragavan. The business was proceeded with, but the same ended in a loss. In order to withdraw the amount invested, the said Vijayaragavan demanded a sum of Rs.18,00,000/- from the second petitioner, who, in turn, borrowed the said sum from the second respondent herein and paid the same to the said Vijayaragavan. With respect to borrowal of Rs.18,00,000/-, the second petitioner executed a pro-note and issued 18 cheques in favour of the second respondent. Though the first cheque was realised, other cheques were not honoured, for which, the second respondent issued a legal notice to the petitioners and filed a private complaint before the concerned Magistrate. The second respondent has also lodged a complaint to the first respondent, who, in turn, called the petitioners over phone and harassed them. Hence these petitions.

3. Learned counsel for the petitioners submitted that the issue involved herein is more of civil in nature, however, knowing fully about the same, the first respondent is calling the petitioners frequently and harassing them.

4. On the other hand, learned Additional Public Prosecutor, submitted that there was no harassment caused by the first respondent as alleged by the petitioners. He further submitted that the petitioners did not appear before the respective first respondent for enquiry even for a single occasion.

5. Considering the facts and circumstances of the case, this Court, in order to give quietus to the issue involved, directs the respective first respondent to issue notice, calling upon the petitioners as well as the second respondent / complainant, on a particular date for enquiry and on such appearance by the parties, conduct enquiry and proceed in accordance with law. If it is found that the dispute between them is civil in nature, the respective first respondent shall instruct them to approach the competent civil court for appropriate remedy. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. Till such time, the respondent police shall not harass the petitioners under the guise of enquiry.

6.Both the petitions are disposed of accordingly.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Assistant Commissioner of Police,
Tharamani Area,
Tharamani, Chennai.

2.The Assistant Commissioner of Police,
Thiruvanmiyur Area,
Thiruvanmiyur, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Russel Raj, Advocate Sr.20343

Cr1.O.P.Nos.6004 and 6011 of
2017

gj[col]
srg 19/05/2017

सत्यमेव जयते

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