



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.13585 of 2017

R.Palaniappan

... Petitioner

-Vs-

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
Sellur Police Station, (Law and Order),
Sellur,
Madurai City.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents not to harass the petitioners.

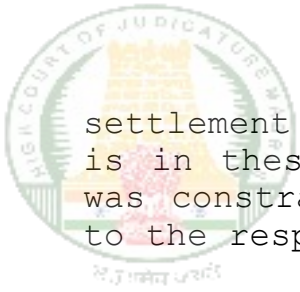
For Petitioner
For Respondents

: Mr.M.Venkatesan
: Mr.K.S.Durai Pandian
Additional Public Prosecutor

O R D E R

This petition is filed for issuing a direction to the respondents not to harass the petitioner.

2. The petitioner states that he is running a book binding shop at No.8, Jansipuram, Sellur, Madurai-2 for the past two years and in order to run the above business, he got loan from several companies and individuals. It is further stated that because of poor profit, he could not repay the money, which he had borrowed from various persons. The petitioner further states that he was illegally taken custody by the borrowers and that they forced the petitioner to repay the amount immediately. The petitioner further states that he gave a complaint before the second respondent and that the second respondent has not taken any action. The petitioner also states that he has filed an insolvency petition in I.P.No.62 of 2017 on the file of III Sub Judge, Madurai. It is further stated that though the insolvency petition is pending, the second respondent did not consider the pendency of Insolvency Petition, but insisted



settlement of the amount borrowed by the petitioner from others. It is in these circumstances, it is stated by the petitioner that he was constrained to move this Court with the petition for direction to the respondents not to harass the petitioner.

3. The petition filed by the petitioner in I.P.No.62 of 2017 which is pending before the III Sub Judge, Madurai, would reveal that the petitioner has borrowed amount to the tune of Rs.28,07,727/-. The petitioner has owned only his wearing apparels, by-cycle and wrist watch to the value of Rs.6,300/-. The petitioner states that he was only carrying on business in running a book binding shop in Madurai. It is certainly unbelievable that the petitioner need to borrow such a huge amount, when his asset is around Rs.6,300/- and he does not have any other property, except a by-cycle, wrist watch and wearing apparels to the value of Rs.6,300/-. The criminal intention to cheat others is evident from statement of assets and liabilities of the petitioner.

4. This Court, having regard to the statement of facts as bone out from the Insolvency Petition filed by the petitioner and the contentions raised by him in this petition, is not able to accept the case of the petitioner as a genuine businessman who is not able to repay the debts due to failure of business. Therefore, the Criminal Original Petition is dismissed for want of *bona fides*.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Madurai City,
Madurai.
2. The Inspector of Police,
Sellur Police Station, (Law and Order),
Sellur,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Akv

RL/4C/2P/JC/SAR3/24/11/2017

Cr1.OP.(MD)No.13585 of 2017