



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.O.P.(MD)No.15510 of 2017

Narayanan : Petitioner

-Vs-

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

2.The Inspector of Police,
District Crime Branch,
Madurai,
Madurai District.

: Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the second respondent not to harass the petitioner based on the enquiry.

For Petitioner : Mr.S.Pakalavan

For Respondents : Mr.A.Ramar
Additional Public Prosecutor

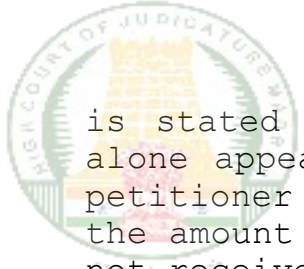
O R D E R

The Criminal Original Petition is filed for a direction to the second respondent not to harass the petitioner under the guise of enquiry.

2.Heard Mr.S.Pakalavan, learned Counsel for the petitioner and Mr.A.Ramar, learned Additional Public Prosecutor, who takes notice for the respondents.

3.It is the case of the petitioner that one Lingam, wanted to sell the property to the de-facto complainant and the petitioner was acted as mediator. It appears that the de-facto complainant paid an advance amount to the said Lingam and that the petitioner has also signed as a witness in the sale agreement. It is the further case of the petitioner that the said Lingam has also executed a promissory note in favour of the de-facto complainant, wherein also the petitioner had signed as a witness.

4.Since, the transaction did not come through and the money
<https://hcservices.portal.gov.in/hcservices/> the said Lingam, was not returned, the de-facto complainant lodged a complaint as against the petitioner and the said Lingam. When enquiry was conducted by the second respondent, it



is stated that the said Lingam did not appear and the petitioner alone appeared. It is the specific case of the petitioner that the petitioner is now being compelled by the second respondent to pay the amount to the de-facto complaint, even though the petitioner had not received any money out of the transaction.

5. Having regard to the nature of allegations made in this petition and the nature of transaction that took place according to the petitioner, this Court is of the view that there is no necessity for harassing the petitioner either to pay the money or to settle the amount. Since the petitioner is only a mediator, he is not personally liable for the amount. Even if the complaint lodged by the de-facto complaint discloses a cognizable offence, the petitioner need not be harassed. Even if any enquiry is conducted, the same shall be done only after issuing summons to the petitioner, prescribing place and time, in accordance with law. The dispute alone appears to be civil in nature.

6. With the above observation, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Madurai District,
Madurai.
2. The Inspector of Police,
District Crime Branch,
Madurai,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. S. PAKALAVAN Advocate in SR. No. 87252

CMR

JS/JC/SAR.1/7.12.2017/2P-5C

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