



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

Cr1.O.P. (MD) No.9896 of 2017

A.Susilarani

... Petitioner

-Vs-

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

2.The Inspector of Police,
Sivagangai Police Station,
Sivagangai,
Sivagangai District.

3.Bhuvana @ Bhuvaneswari

... Respondents

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, directing the second respondent not to harass the petitioner in the guise of enquiry with regard to false complaint dated 11.07.2017 of the third respondent.

For Petitioner : Mr.K.Malaimaran

For Respondents 1 & 2 : Mr.K.S.Durai Pandian

Additional Public Prosecutor

For 3rd Respondent : Mr.M.Jerin Mathew

O R D E R

This Criminal Original Petition is filed seeking for a direction to the second respondent not to harass the petitioner under the guise of enquiry with regard to the false complaint of the third respondent dated 11.07.2017.

2.The learned counsel for the petitioner submits that he had borrowed a sum of Rs.5,00,000/- at the rate of interest of 5% from money lenders including the third respondent for the educational



expenses of her son. It is the case of the petitioner that she had repaid a sum of Rs.7 lakhs to the third respondent and that the third respondent is demanding more money towards interest. It is in this context, she has also given a representation to the second respondent on 11.07.2017.

3.The learned Additional public prosecutor appearing for the first and second respondents, on instructions, submitted that the case of the petitioner is false and that it is further stated that the third respondent has filed a complaint as against the petitioner and the same was also registered in Crime No.611 of 2017 on 30.07.2017 for the offences punishable under Sections 420, 294 (b) and 506 (1) of IPC. It is further stated that the petitioner had advanced only a sum of Rs.3,00,000/- and that the petitioner herein has repaid only a sum of Rs.1,00,000/- and the sum of Rs.2,00,000/- is due.

4.It is not in dispute that the petitioner has borrowed money from the third respondent. Since it is purely a money dispute, this Court preserve liberty to the third respondent to initiate proceedings for recovery of money by filing suit before the competent Civil Court. However, the complaint lodged by the third respondent as against the petitioner cannot be faulted as the petitioner is stated to have abused and threatened the de-facto complainant, when the third respondent demanded money from the petitioner. Further, the contention of the petitioner that the third respondent has demanded more money towards interest is not supported by any other material.

5.The learned Additional Public Prosecutor, on instructions, submitted that they will proceed only according to law and that a final report will also be filed after thorough investigation. It is further submitted that there will not be any harassment as alleged by the petitioner.



6. Having regard to the nature and circumstances of the case, this Court directs the second respondent to file a final report in Crime No. 612 of 2017, after completing the investigation within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, this criminal original petition is disposed of.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

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

Cr1.O.P. (MD) No. 9896 of 2017
30.11.2017

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