



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.01.2018

CORAM

WEB COPY

**THE HON'BLE MR.JUSTICE P.RAJAMANICKAM**

Crl.O.P.(MD) No.668 of 2018

T.Arulraj

... Petitioner

**-Vs-**

1. The Superintendent of Police,  
Tirunelveli District.
2. The Inspector of Police,  
Thisaiyanvilai Police Station,  
Tirunelveli District.
3. R.Rajasundar  
Inspector of Police,  
Tamil Nadu Police Training Centre,  
Nagarcoil, Kanniyakumari District.

4. R.Sumathi

... Respondents

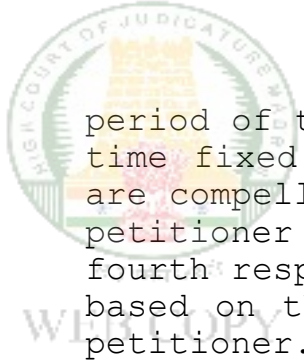
**Prayer:** Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to give appropriate direction to the second respondent thereby not to harass the petitioner in the case of civil disputes as enquiry with the retribution motivation of the second and third respondents.

|                 |   |                                                          |
|-----------------|---|----------------------------------------------------------|
| For Petitioner  | : | Mr.M.Laxmi Mahendraa                                     |
| For R-1 and R-2 | : | Mr.Prabu Ramachandran,<br>Government Advocate(Crl.side). |
| For R-3 and R-4 | : | No appearance                                            |

**O R D E R**

This petition has been filed by the petitioner to direct the second respondent not to harass the petitioner under the guise of enquiry based on the complaint given by the third and fourth respondents.

2.The learned counsel for the petitioner has submitted that the petitioner is the brother of the fourth respondent and third respondent is the husband of the fourth respondent, who is working as Inspector of Police at Nagarcoil. He further submitted that the petitioner borrowed a sum of Rs.2,50,000/- from the fourth respondent by executing a mortgage on 21.01.2016 and agreed to repay the said amount with interest at the rate of 1% per month within a



period of two years. He further submitted that before expiry of the time fixed in the mortgage deed, the third and fourth respondents are compelling the petitioner to repay the loan amount and since the petitioner is not able to discharge the said debt, the third and fourth respondents gave a complaint before the second respondent and based on the said complaint the second respondent is harassing the petitioner.

3.The learned Government Advocate (Crl.Side) has submitted that the complaint from the third and fourth respondents has been received by the second respondent by online on 11.10.2017 and issued C.S.R.239 of 2017. He further submitted that the petitioner is not co-operating for the enquiry.

4.The learned counsel for the petitioner by way of reply has submitted that the petitioner also has sent a complaint to the second respondent on 11.10.2017 and C.S.R.240 of 2017 has been issued.

5.Considering the aforesaid submissions, since the petitioner also gave a complaint, he has to appear before the second respondent for enquiry. On such appearance the second respondent has to conduct enquiry on both complaints and if the enquiry reveals any cognizable offence, then, he has to register a case and proceed in accordance with law or otherwise direct the parties to approach the Civil Court and get appropriate remedy.

6.With the aforesaid observations, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

**To**

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

+ 1 CC TO Mr.M.LAKSHMI MAHENDRAA, ADVOCATE IN SR No. 42360

CP

TE/JC/SAR-4 : 01/02/2018 : 2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>

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