



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**
Crl.O.P.(MD).No.1369 of 2019

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.. Petitioner

Vs.

1.The Inspector of Police,
S.S.Colony Crime Police Station,
S.S.Colony, Madurai Town, Madurai.

2.R.Aser Eaben Paul,
3.A.Rooth Helan Deepa.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the 1st respondent not to harass the petitioner and his family on the guise of receiving payment from the petitioner.

For Petitioner :Mr.R.Sevugaraja
For Respondents :Mr.R.Anandharaj for R1
Additional Public Prosecutor
Mr.K.Muraleedharan for R2

O R D E R

This petition has been filed by the petitioner seeking for a direction to the the 1st respondent not to harass the petitioner and his family on the guise of receiving payment from the 2nd respondent.

2.On the earlier occasion, the counsel for the petitioner represented that the respondent police was unnecessarily harassing the petitioner in respect of money dispute between the petitioner and the respondents 2 and 3. Thereby, this Court directed the Additional Public Prosecutor to get instructions from the respondent police. He would submit that on a complaint given by the 2nd respondent regarding money dispute, an enquiry had been conducted by the first respondent. This Court directed both the parties to appear before this Court today. On enquiry, it transpired that there was a dispute between the petitioner and the 2nd respondent in respect of non-return of money paid as deposit by the 2nd and 3rd respondents towards usufructuary mortgage. The complaint was with regard to the non repayment of the amount paid as deposit.

3.When the matter is taken up today the petitioner and his wife as well as the respondents 2 and 3 are present. It is represented that at the time of vacating the premises, it was found that the respondents 2 and 3 had caused some damages to the



house and had also left the house without painting and thereby, the petitioner had claimed an amount of Rs.40,000/- towards repair and maintenance charges and had informed that the amount would be deducted from the advance. Whereas, the respondents 2 and 3 had objected for deduction of the amount towards repair and maintenance and there had been a dispute in respect of which the 2nd and 3rd respondents given complaint against the petitioner.

4.This Court enquired both the parties. Both of them mutually agree to bear 50% of the maintenance amount i.e, Rs.20,000/- each. The petitioner agrees and undertakes to refund sum of Rs.3,30,000/- to the respondents 2 and 3 within a period of two months time or as and when a new tenant comes to his house, whichever is earlier. The 2nd and 3rd respondent have also agreed for the deduction of Rs.20,000/- towards repair and maintenance and both the parties submitted that they would report before this Court as and when the amount of Rs.3,30,000/- is repaid to the respondents 2 and 3 or on 31.03.2019.

5.In view of the settlement entered into between the parties before this Court, the 1st respondent is directed not to interfere with this matter. The parties shall strictly abide by the undertaking

6.This Criminal Original Petition is closed accordingly.

7.Post the matter on 31.03.2019 for reporting compliance.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
S.S.Colony Crime Police Station,
S.S.Colony, Madurai Town, Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SKN/JER

CRL.O.P. (MD) No.1369 of 2019

31.01.2019