



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2020

CORAM:

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.15534 of 2020

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... Petitioner

vs.

1)State represented through
The Commissioner of Police,
O/o. Commissioner of Police,
Madurai District.

2)The Inspector of Police,
Thirunagar Police Station,
Madurai District.

3)Soundarapandian

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to harass the petitioner and her family members in the guise of enquiry.

For Petitioner: Mr.M.Vivek Kumar

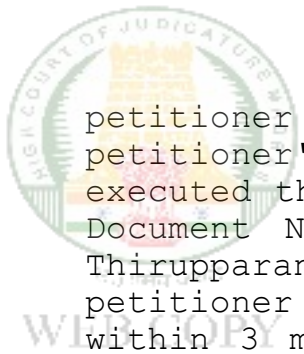
For R1 & R2 : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

This petition has been filed to direct the 2nd respondent not to harass the petitioner and her family members in the guise of enquiry.

2.The learned counsel for the petitioner would state that the petitioner has been allotted with free house site patta to an extent of 1.04 sq.mt in S.No.141 at Thirupparankundram Taluk, Madurai District with certain conditions and subsequently, the petitioner constructed a house and residing therein with her family by paying appropriate property tax and electricity bill in her name and the petitioner has also leased out a portion of the house to one Chellammal. He would further state that the 3rd respondent who is the employer of the petitioner's son namely, Muthumanickam approached the petitioner and her husband to register the said house property in his name to obtain a home loan. Though the petitioner initially refused for the same, the 3rd respondent convinced the



petitioner and assured to provide a part of loan amount to the petitioner's husband and therefore, the petitioner's husband executed the registered sale deed in favour of the 3rd respondent in Document No.4472 of 2019 on 31.12.2019 at Sub Registrar Office, Thirupparankundram. Thereafter, the 3rd respondent assured the petitioner and his family members that he would receive the loan within 3 months time and subsequently the 3rd respondent had been seeking three months periodically and the petitioner and her husband were made to run from pillar to post.

3.He would further state that at one point of time, the petitioner and her husband compelled the 3rd respondent to cancel the registered sale deed in his favour, for which, the 3rd respondent threatened them with dire consequences. While so, the 3rd respondent has lodged a complaint against the petitioner and on 09.12.2020, the 2nd respondent police informed the petitioner and her husband and son to appear for enquiry and they appeared on the said date and the 2nd respondent/police harassed the petitioner and her family members and used unparliamentary words and threatened them to vacate the house. Since there was continuous threat from the 2nd respondent, the petitioner sent a representation to the 1st respondent on 14.12.2020 narrating the entire facts and alleging harassment by the 2nd respondent. The grievance of the petitioner is that she parted with the house to enable the 3rd respondent to get loan for themselves and he had not given part of the loan amount and taking advantage of the same, now the 3rd respondent with the help of respondent/police is trying to evict the petitioner and her family members from their house. Hence this petition.

4.The learned Additional Public Prosecutor would state that during enquiry, it was stated that the petitioner's husband sold his property to the 3rd respondent/defacto complainant and had stayed in the house on lease. Now, an undertaking has been given by the petitioner's husband stating that he would repay a sum of Rs.7,00,000/- which he had received towards sale consideration and the lease amount of Rs.1,40,000/- which he had agreed for staying in the house and the registration charges, to the 3rd respondent, so that the property can be re-conveyed to the petitioner's husband. The petitioner's husband had also agreed that if he is not able to pay the above amount within 10 days, he will vacate the house. Based on the said undertaking, the 3rd respondent/defacto complainant had stated that no further action is required on his complaint.

5.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor. Since no adverse order is going to be passed against the 3rd respondent, notice to him is not necessary.

6.Considering the facts and circumstances of the case, if at all the petitioner and her family members are required for any



the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610.***

7.The Criminal Original Petition is disposed of with the above directions.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1)The Commissioner of Police,
O/o. Commissioner of Police,
Madurai District.

2)The Inspector of Police,
Thirunagar Police Station,
Madurai District.

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

ORDER MADE IN

Cr1.O.P.(MD)No.15534 of 2020

DATED : 23.12.2020

SMV (CO)

NR (04/02/2021) 3P : 4C