



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.12185 of 2021

and

WMP.No.12969 of 2021

1. Elangovan
2. E. Uma

... Petitioners

Versus

1. The State rep by
The Commissioner of Police,
Vepery,
Chennai - 600 007.
2. The State rep by
The Inspector of Police,
H-5, New Washermanpet,
Chennai - 600 081.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the second respondent police not to harass the petitioners based on the false and bogus complaint given by one Mrs. Sarala.

For Petitioner : Mr. V.V.Sundar

For Respondents : Mr. A.Damodharan
Counsel for Government
of Tamil Nadu (Crl. Side)

O R D E R

This petition has been filed to direct the second respondent police not to harass the petitioners based on the false and bogus complaint given by one Mrs. Sarala.

2. The learned counsel for the petitioners has submitted that the first petitioner had sent a representation on 23.04.2021 to the second respondent stating that his wife and himself appeared for enquiry on 19.04.2021 and submitted that they have no connection with Mrs.Sarala. He further submitted that the neighbours of the petitioners are infected



with Covid-19 and they are also having the symptoms of Covid-19. Hence, they cannot appear for further enquiry when they are called for. He further submitted that they would appear for enquiry after their recovery of health and after cancellation/removal of the lock down by the Government of Tamil Nadu.

3.The learned counsel for Government of Tamil Nadu (Crl.Side) has submitted that in this case, a complaint has been lodged by one Mrs.Sarala with the XV Metropolitan Magistrate, which was forwarded to the second respondent police, to conduct an enquiry on 01.04.2021. Thereafter, the petitioners herein were called for enquiry. They appeared on 19.04.2021 and stated that they do not know Mrs.Sarala and admitted that the property documents, which is the subject matter of enquiry, has been handed over to the brother-in-law of the petitioner for seeking loan and they were not aware of the steps taken by his brother-in-law in this regard. He further submitted that the petitioners had taken a loan before five years from the said Mrs.Sarala by handing over the originals of the property and thereafter, the loan has not been repaid. Later, the petitioners by making representation that the original documents have been lost obtained a certified copy of the same and sold the property to the third person, thereby cheated the defacto complainant. The petitioners had committed a clear case of cheating and forgery. When the same was questioned during enquiry, the petitioners had submitted that they would furnish the details on 29.04.2021. On the contrary, they sent a letter on 23.04.2021 and opposed the prayer.

4. Heard the submissions made on either side and perused the materials available on record.

5. The undertaking given by the learned counsel for the petitioners that the petitioners are hailing from Villupuram and they would appear as and when they are called for enquiry with prior intimation, is recorded. The respondent police is directed to issue notice to the petitioners to call them for enquiry.

6. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gv/dna

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



To

1. The Commissioner of Police,
Vepery,
Chennai - 600 007.

2. The Inspector of Police,
H-5, New Washermanpet,
Chennai - 600 081.

3. The Public Prosecutor,
High Court, Madras.

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UM (CO)
K.RK.(19.07.2021)