

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Cr1.O.P No.9837 of 2021

1.S. Ramakrishnan @ Gopal
2.P.R.Dhanasundari

...Petitioners

Vs.

The State rep. by
The Inspector of Police,
District Crime Branch
Chengalpattu District.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police not to harass the petitioners.

For Petitioners: Mr.D.Senthil Kumar

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

For Intervener : Mr.Santhosh Kumar

O R D E R

This petition has been filed to issue a direction to the respondent police to not to harass the petitioner.

2. Heard the learned counsel for the petitioners and the learned counsel for the Government of Tamil Nadu (Criminal Side).

3. The learned counsel for the petitioners submitted that the petitioners had borrowed a sum of Rs.1 Crore on several instalments from one A.Radhakrishnan, repayable at the interest rate of 2% per month by mortgaging immovable property belonging to the petitioners land situated at Survey No.170/2B and 169/1A, B of Paiyanoor Village, Chengalpattu Taluk, Kancheepuram District, through a registered mortgage deed in favour of A. Radhakrishnan vide Doc.No.9033/2008 dated 23.12.2008 before the

SRO Thiruporur, Kancheepuram District. The petitioners further submitted that they had repaid a sum of Rs.30 lakhs in the year 2017. Thereafter, the said A.Radhakrishnan has been making an unreasonable demand of Rs.3 Crores to settle the issue. The loan obtained on mortgage and the charge created on the property is still in force as civil dispute and by giving criminal cover the said Radhakrishnan is harassing the petitioners. The second petitioner is the wife of the first petitioner, amongst whom, the first petitioner is a senior citizen and they are residents of Bangalore.

4. The learned counsel for the Government of Tamil Nadu (Criminal Side) has submitted that the complaint has been lodged by one Radhakrishnan and enquiry has been conducted and during the course of enquiry, summons were issued to the petitioners on 17.05.2021 directing them to appear before the Investigation Officer for enquiry on 26.05.2021. In order to avoid enquiry, this petition is filed.

5. The learned counsel for the intervenor, on instruction on behalf of the defacto complainant has submitted that the first petitioner has executed a mortgage deed for obtaining the loan amount and after obtaining the same, he is now refusing to repay the loan amount. Further, the enquiry has commenced and instead of cooperating with the enquiry, the petitioners had approached this court only with an intention to cheat the defacto complainant / Radhakrishnan. He has further submitted that the executed mortgage property stands in the name of Arupadai Murugan Educational Trust and not in the name of the petitioners.

6. The learned counsel for the petitioners has submitted that the entire transaction with the defacto complainant was dealt with by the first petitioner alone. As regards the second petitioner, except she being the wife of the first petitioner, has nothing to do with the transactions. He further submitted that due to the prevailing Covid-19 Pandemic situation, travel is restricted. Hence, after removal of the travel restrictions by the Government of Tamil Nadu, they will respond to the summons and appear before the Investigation Officer without fail. In the meanwhile, they will send a detailed explanation with regard to the transaction they had with A.Radhakrishnan. The petitioners are resident of Bangalore, Karnataka State.

7. Considering the facts and circumstances of the case and the undertaking of the learned counsel for the petitioners, the first petitioner along is directed to appear before the respondent police and cooperate for completion of enquiry, after removal of the lock down or otherwise restoration of normal

scenario, preferably, within a period of two weeks or on or before 05.07.2021, whichever is later.

8. With the above directions, this Criminal Original Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

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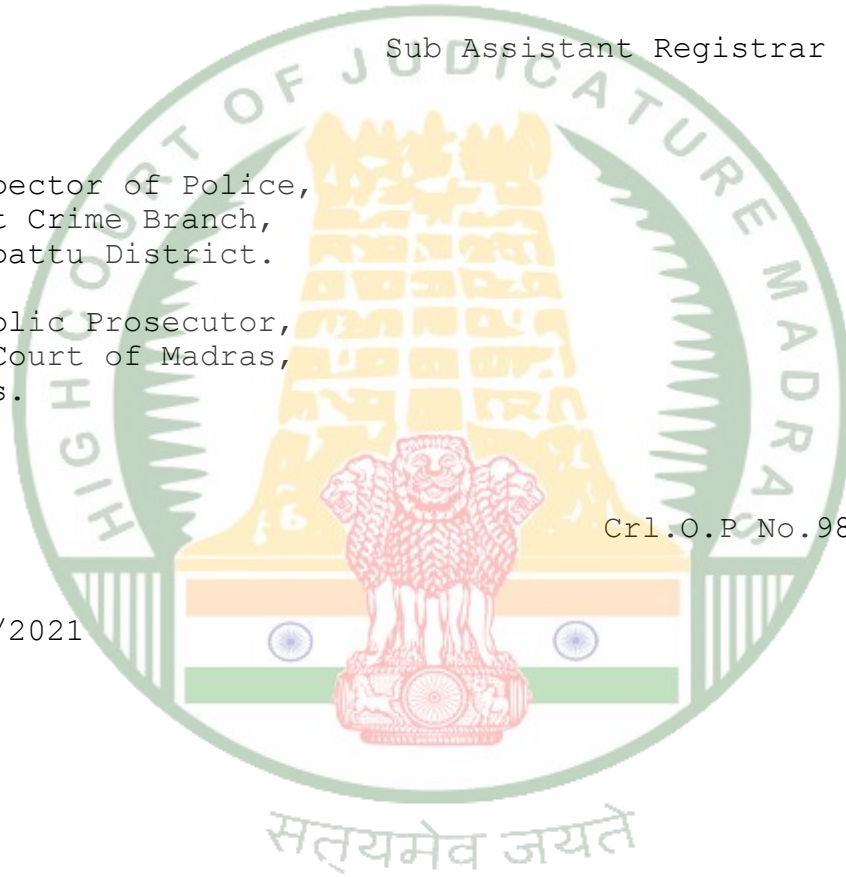
Sub Assistant Registrar

gv/dna
To

- 1.The Inspector of Police,
District Crime Branch,
Chengalpattu District.
2. The Public Prosecutor,
High Court of Madras,
Madras.

ajs[col]
srg 12/07/2021

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