



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.13486 of 2021

L.Edwin Prabhu

... Petitioner

Versus

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

2.The Inspector of Police (Crime),
J-3, Guindy Police Station,
Guindy, Chennai - 600 032.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondent Police not to harass the petitioner in guise of the petition enquiry based on the civil dispute.

For Petitioner : Mr.J.Arun Prasad

For Respondents : Mr.A.Damodaran,
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed to direct the respondents not to harass the petitioner under the guise of the petition enquiry based on the civil dispute.

2.The contention of the petitioner is that the petitioner is doing a financial consultancy business for the past 16 years and he availed loan from one Arumugam for Rs.15,00,000/- for expanding his business. So far the petitioner repaid a sum of Rs.9,16,000/-. The said Arumugam obtained a blank cheque in No.000062, HDFC Bank, Kodambakkam Branch as well as the promissory note from the petitioner. The petitioner admitted that he has signed and handed over a blank cheque and promissory note to Arumugam to discharge his dues. On the contrary, Arumugam lodged a false complaint to the 2nd respondent as though the petitioner availed loan from him for Rs.10,00,000/- during December 2018 and thereafter, availed Rs.5,00,000/- during the month of January 2019. On the complaint, the 2nd respondent Police assigned C.S.R.No.530 of 2020 and the petitioner was



called for enquiry on 18.06.2021. The petitioner appeared before the 2nd respondent Police and he was forced to give an undertaking to settle the dues of Arumugam by 03.07.2021. The petitioner further submitted that purely a commercial loan transaction has been given in criminal colour. Thus, the 2nd respondent Police is harassing the petitioner to settle the dues of Arumugam. Hence, he prayed for appropriate direction.

3.The learned Government Advocate (Crl. Side) appearing on behalf of the respondents submitted that a complaint was received from one Arumugam. The petitioner was introduced by Arumugam as Manager of Punjab National Bank, Guindy and as a loan agent. The said Arumugam handed over Rs.10,00,000/- to the petitioner for purchasing land during the month of December 2018 and thereafter, handed over Rs.5,00,000/- to the petitioner during the month of January 2019. Out of the total amount of Rs.15,00,000/-, the petitioner repaid Rs.9,16,000/- and the balance Rs.5,84,000/- is yet to be repaid. Hence, he lodged a complaint to the 2nd respondent. For enquiry, on 18.06.2021 the petitioner and Arumugam called and the petitioner had given undertaking that by 3rd July of 2021, he would repay the balance amount without fail. After giving such undertaking, he filed this Writ Petition and making allegation as though he is harassing by the 2nd respondent Police. He further submitted that the petitioner was not being harassed and only called for enquiry pursuant to C.S.R.No.530 of 2020.

4.On considering the rival submissions, it is admitted by the petitioner that he handed over the signed cheque and promissory note to the Arumugam in discharge of his dues. In view of the same, the said Arumugam is to take appropriate action against the petitioner in the manner known to law. The respondent to desist from venturing into a civil loan transaction, unless there are materials available to show there is commission of cognizable offence.

5.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To

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



2.The Inspector of Police (Crime),
J-3, Guindy Police Station,
Guindy, Chennai - 600 032.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Arun Prasad, Advocate SR.No.30536

W.P.No.13486 of 2021

PMK (CO)
GMY (19/07/2021)