



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.12330 of 2021

R.Vijayakumar

...Petitioner

Versus

State by the Inspector of Police,
Anti Land Grabbing Special Cell,
Nagapattinam District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue direction to the respondent not to harass the petitioner and his family in summon No.C.No.111/ALGSC/NGT/2021, dated 15.04.2021 pending on the file of the respondent.

For Petitioner : Mr.M.K.Subramanian

For Respondent : Mr.A.Damodaran,

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent Police not to harass the petitioner and his family members in pursuant to the summon C.No.111/ALGSC/NGT/2021, dated 15.04.2021.

2.The learned counsel for the petitioner submitted that the petitioner received summon from the respondent Police in C.No.111/ALGSC/NGT/2021 on 15.04.2021 directing the petitioner, his wife Suganya and his father Ramalingam to appear on 06.05.2021. The petitioner was not informed for what reason he and his family members required for enquiry. Though the summon was issued on the complaint of one Chithra in Tiruchirapalli, the petitioner was not aware of the complaint and had not transaction with her. The learned counsel for the petitioner sent a legal notice to Chithra on 07.05.2021 requested to furnish the particulars of her complaint, but she failed to reply. Thereafter, the petitioner is constantly called for enquiry and harassed. Hence, he prayed for appropriate direction.



3.The learned Government Advocate (Crl. Side) appearing on behalf of the respondent Police submitted that in this case, one Chithra wife of Ramesh lodged a complaint against the petitioner, his wife and his father for the land dispute in survey No.177/2 in Karaimedu Village, Sirkazhi Taluk, Nagapattinam. As per the complaint, Chithra on 02.08.2007 had entered into an agreement of sale with the petitioner's father Ramalingam and she also paid the sale consideration, but giving one reason or other the sale deed was not executed. On 18.03.2017 in the presence of elders and panchayathars, the said Ramalingam demanded additional amount of Rs.50,000/-, which was also paid. Sofar, the said Chithra had paid around Rs.1,17,000/-, but the petitioner or his father did not come forward to execute sale deed. Hence, they cheated the said Chithra and she lodged a complaint to the respondent Police.

4.The learned Government Advocate further submitted that during enquiry, the relevant documents and payment particulars were verified and the statement of the witnesses were recorded. For further enquiry, the petitioner, his father and his wife are required, hence the respondent Police issued summon to them to appear before the respondent Police. In spite of appearing before the respondent Police for enquiry, the petitioner has filed the above petition.

5.The learned counsel for the petitioner submitted that the petitioner, his wife and his father are ready to appear before the respondent Police for enquiry and to give further explanation.

6.In view of the above, the petitioner, his wife and his father are directed to appear before the respondent Police on 03.08.2021 and submit relevant documents available in their support.

7.With the above direction, this Criminal Original Petition is disposed of.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police,
Anti Land Grabbing Special Cell,
Nagapattinam District.



2.The Public Prosecutor,
High Court, Madras.

Copy to

R.Vijayakumar M/44,
S/o Ramalingam,
No.3/30A, Kannikovil street,
Thennalakudi, Karaimesu,
Sirkali T.K., Nagapattinam District.
(along wife and father with relevant documents Available on
03/08/2021 before the respondent police)

+1cc to M/.s.M.K.Subramanian, Advocate, Sr.No.36137

CRL.O.P.No.12330 of 2021

LN (CO)
KKV/29/07/2021