



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.17005 OF 2021

AND

W.M.P.NO.18026 OF 2021

1. V.Suseela
2. P.Anitha
3. K.M.Santhoshkumar

... Petitioners

Versus

1. The Superintendent of Police,
Tiruvallur District,
Tiruvallur.
2. Mr.Ramesh,
The Inspector of Police,
Tiruttani Police Station,
Tiruvallur District.
3. M.Loganayaki @ Selvi
4. G.Jagadish

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India and praying to issue a Writ of Mandamus, to forbear the first and second respondents from interfering with the petitioners' life and liberty under the disguise of enquiring into the undisclosed third complaint of civil dispute given by the third respondent, in view of the law laid down by this Court in R.Mala Case (2007 (3) LW 69).

For Petitioners : Mr.N.Manokaran

For Respondents : Mr.A.Damodaran, (for R1)
Counsel for Govt. of Tamilnadu
(Criminal Side)



ORDER

The petitioners filed this Writ Petition seeking a direction to direct the first and second respondents not to interfere or involve in the petitioners' life and liberty and also not to involve themselves in a civil dispute.

2. The contention of the petitioners is that the first and second petitioners are Sisters of the third petitioner. They had entered into an agreement of sale with the third respondent on 23.10.2013, agreeing to sell their house site, situated at No.42 in Amirthapuram Village, Tiruttani Taluk, Tiruvallur District, for a sale price of 42 Lakhs and received Rs.5 Lakhs as advance. Thereafter another five lakhs was paid on 30.10.2013. As per the agreement the entire sale transaction to be completed within three months time, but, the third respondent not adhered to such condition and paid the balance amount within the stipulated time. In fact, the petitioners have filed a suit in O.S.No.163 of 2013 against one C. Ranganathan and pending the suit, the third respondent agreed to purchase the property. While so, the third respondent has convened a Katta Panchayat and forced and coerced the petitioners to repay the amount with the help of the fourth respondent who is financier and dealer of TVS Vehicles, who is having good contact with the police and who had been behind the forceful enquiry and harassment of the petitioners. The petitioners were also made to sign a letter as if they agreed to pay the advance amount of Rs.10 lakhs with interest. After signing such a consent letter, allegedly by force, the petitioners sent a legal notice dated 16.04.2015 to the third respondent, by stating that admitting to return the advance amount in six months time. After receipt of notice, the third and fourth respondents threatened the petitioners to settle the amount, hence, the petitioners given a complaint on 21.04.2015. As a counter-blast, the third respondent also gave a complaint on 15.06.2015. Based on the complaint, an enquiry was conducted and the petitioners appeared before the Inspector of Police, DCB, Tiruvallur, however, on 22.06.2015, the petitioners were forced to by the respondent police to settle the amount within a week with 18% interest. Aggrieved by the same, the petitioners filed Crl.O.P.No.25042 of 2015 praying to issue appropriate direction to the respondents not to harass them in the guise of enquiry. The third respondent also filed Crl.O.P.No.2655 of 2015 to register a complaint against the petitioners, on the basis of her complaint. Both the Petitions were closed by this Court on 30.11.2015. Even thereafter, on 20.07.2021, the petitioners were called for an enquiry by the second respondent and the petitioners appeared for an enquiry. However, the petitioners were harassed by the respondents police, at the instance of the respondents 3 and 4, to settle the entire amount. Hence, the present Writ Petition.



3. The learned Government Advocate (crl.side) appearing for the first respondent/police submitted that the petitioners as well as the respondents 3 and 4 have lodged complaints against each other in respect of the same transaction for which CSR No.1051 of 2021 dated 10.08.2021 was issued. Both the petitioners and the respondents 3 and 4 were called for enquiry. After enquiry, finding that the dispute is a civil in nature, the parties were directed to work out their remedy in a manner known to law and the complaint given before the first and second respondents has been closed on 18.08.2021 (i.e., today morning itself). Now, this Writ petition has been filed in respect of the same complaint with a prayer to, not to harass the petitioners. The petitioners are not required for any further enquiry and therefore, no order is required in this writ petition.

4. Recording the submissions made by the learned Government Advocate (crl.side), the present Writ Petition is closed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

klt

To

1. The Superintendent of Police,
Tiruvallur District,
Tiruvallur.
2. The Inspector of Police,
Tiruttani Police Station,
Tiruvallur District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.41382

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GJ(CO)
PBS/09/09/2021