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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.14773 OF 2021

P.Dhilip Kumar,
S/o.Poonaaram

... Petitioner

Versus

1. The Inspector of Police,
Karuveppilankurichi Police Station,
Cuddalore.
2. The Sub-Inspector of Police (Crime),
District Crime Branch,
Cuddalore.
3. Manikandan,
S/o.Subramanian

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the second respondent not to harass the petitioner and his family members summon issued by the second respondent.

For Petitioner : Mr.S.Ravichandran
For Mr.V.Saravanan

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

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed seeking a direction directing the 2nd respondent not to harass the petitioner and his family members.



2. According to the petitioner, he met with a major accident while he was pursuing his engineering course and he has sustained injuries on his spinal card and he became immobilised. At that time, the 3rd respondent Manikandan and his friend Rajesh used to come to the petitioner's house and helped him. At that time, a sum of Rs.7 lakhs has been received by the petitioner for the medical aid and he has almost repaid the entire amount. Now, a sum of Rs.65,000/- is the balance. Suppressing these facts, a false complaint has been registered. The petitioner has got proof for repayment of the same.

3. The learned Government Advocate (Crl. side) appearing for the respondents would submit that the 3rd respondent had lodged a complaint, based on which, an enquiry has been conducted. The petitioner's brother had appeared and submitted a letter confirming that the petitioner had received a sum of Rs.7,98,986/- through bank. Out of which, a sum of Rs.3,75,000/- had been repaid and the balance would be paid after settling the accounts between them. A letter from the petitioner is also submitted, wherein he has stated that he is ready to give his explanation, if the complaint is forwarded to T-10 Thirumullaivoyal Police Station, within whose jurisdiction, the petitioner resides.

4. I have considered the submissions made on either side and perused the materials available on records carefully.

5. From the submissions and the perusal of the materials, it is seen that it is not in dispute, the petitioner and the 3rd respondent were classmates and the petitioner had sustained hip fracture, at that time, the 3rd respondent had helped him for his medical expenses and to buy medical equipments. Now, the petitioner claims that major amount has been repaid, which is not substantiated with any materials. If the respondent police, if finds on the enquiry, any cognizable offence is made out, to proceed according to law.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpp/rgi



To

1. The Inspector of Police,
Karuveppilankurichi Police Station,
Cuddalore.
2. The Sub-Inspector of Police (Crime),
District Crime Branch,
Cuddalore.
3. The Public Prosecutor,
High Court,
Madras.

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PL(CO)
PBS/14/09/2021