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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.14739 of 2021

1. R. Sagunthala,
W/o. P.Ranganathan

2. R. Chella Perumal,
S/o. P. Ranganathan

3. R. Saravana Perumal,
S/o. P. Ranganathan

...Petitioners

Versus

State by
Inspector of Police,
K3 Aminjikarai Police Station,
Chennai-600 029.

...Respondent

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

For Petitioners : Mr. V.V.Sairam

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 relief of not to harass at the hands of respondent police.

2. The learned counsel appearing for petitioners submitted that subsequent to the agreement dated 07.06.2020, the defacto complainant E.Rajendran had failed to come forward to pay the balance amount and register the property. Hence, a legal notice



dated 03.11.2020 has been issued by the 1st petitioner, for which, a reply was received on 08.11.2020 stating that there is some discrepancy in the patta and later on, the same was rectified and another notice dated 03.12.2020 was also issued. Despite the same, they have not come forward to complete the sale. Thereafter, with great difficulty, the property was sold to third person, and for the past one year, the petitioners have undergone untold misery, irreparable loss, mental agony and physical strain. Hence, the petitioners have got every justification to withhold the money.

3. The learned Government Advocate (Crl. side) appearing for the respondent would submit that a complaint was received from one E.Rajendran in C.S.R.No.430 of 2021 dated 16.08.2021. The complaint is that the 1st petitioner had agreed to sell the property by way of sale agreement dated 07.06.2020 for the sale consideration of Rs.50,00,000/- and received a sum of Rs.5,00,000/- in advance. Thereafter, contrary to the sale agreement, she had sold the property to a third person. Knowing about the same, the defacto complainant had requested for return of advance amount of Rs.5,00,000/-, which was refused. Therefore, the present complaint has been filed. The complainant paid a sum of Rs.5 lakhs by way of cheque through bank, which is not disputed by the petitioner.

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

5. Considering the fact that the 1st petitioner, being a lady, the respondent police had visited her house and made an enquiry with her and on perusal of the sale agreement and the transaction, it is clear that the 1st petitioner had received a sum of Rs.5 lakhs and now she is willing to repay only a sum of Rs. 2 lakhs, contrary to the amount of Rs.5 lakhs, which she received. Hence, for the purpose of enquiry, the respondent police had visited to 1st petitioner's house. The 2nd and 3rd petitioners were called for enquiry, who are sons of 1st petitioner. The petitioners have no reason to hold back the advance of Rs.5 lakhs after selling the property to third person. The petitioners admission is that there was some discrepancies in patta and documents, which were rectified later. On the above facts, this Court finds that there is no harassment at the hands of respondent police and the respondent police is directed to proceed against the petitioners if cognizable offence is made out.



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

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

rpp/rgi

To

1. Inspector of Police,
K3 Aminjikarai Police Station,
Chennai-600 029.

2. The Public Prosecutor,
High Court, Madras

+1cc to Mr.V.V.Sairam, Advocate, S.R.No.42216

CRL.O.P.No.14739 of 2021

RSV(CO)
KKV/24/08/2021