



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.17661 of 2021

E.Kavitha,
W/o. K. Thangaraj

...Petitioner

Versus

1. The Commissioner of Police,
Salem City,
Salem Dt.
2. The Inspector of Police,
Sooramangalam Police Station,
Salem Dt.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd Respondent not to harass the petitioner and her husband without due process of law to secure the ends of justice.

For Petitioner : Mr. K.Kalaikovan

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

ORDER

(This case has been heard through video conference)

The petitioner has filed this Writ Petition seeking not to harass her.

2. The petitioner had earlier sent a representation stating that she was working in Elampalli Government Primary Health Centre for the past 10 years, she knew Padma, the complainant herein for the past 4 years. The husband of Padma had lodged a complaint. The said Padma usually borrows money from the petitioner. In the month of August 2018, the petitioner had obtained personal loan of Rs.10 lakhs from State Bank of India, Fort Branch, Salem. On the request of the said Padma, the



petitioner had given a sum of Rs.2 lakhs as hand loan, which she failed to repay despite several requests. This transfer has been made by Padma's husband Thangaraj through his friend Logu. Now, when the amount was demanded to be repaid, a false complaint has been lodged.

3. The learned Government Advocate (Criminal side) would submit that the petitioner in the guise of getting employment in Electricity Department, had received a sum of Rs.10,00,000/- from one Mariappan, who had lodged a complaint and the complaint was received on 23.02.2021 and C.S.R.No. 235 of 2021 was assigned. Immediately, after receipt of complaint, the petitioner was called for enquiry. The petitioner had earlier filed a Writ Petition in W.P. No.5723 of 2021 seeking not to harass and this Court has given a direction by an order dated 08.03.2021. The petitioner's husband Thangaraj had also filed a Writ Petition in W.P.No.5943 of 2021 and obtained protection order on 16.03.2021. Citing both these orders, the petitioner as well as her husband are not appearing for enquiry and hence, the complaint in C.S.R.No.235 of 2021 is kept pending. It is further submitted that a preliminary enquiry so far conducted reveals that the petitioner and her husband received a sum of Rs.10,00,000/- from the petitioner in the guise of securing job in Electricity department. It appears to be job racketing case.

4. In view of the same, this Court directs the petitioner as well as her husband to appear before the respondent police for the purpose of enquiry in C.S.R. No. 235 of 2021. The respondent police to serve summons to them, if not responded, take coercive action.

5. This writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rpp/rgi

To

1. The Commissioner of Police,
Salem City,
Salem Dt.



2. The Inspector of Police,
Sooramangalam Police Station,
Salem Dt.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Kalaikovan, Advocate, S.R.No.43563

W.P.No.17661 of 2021

CP (CO)
RGA (16/09/2021)