



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17613 of 2021

Abdulsalam,
S/o. Mohammed Yacoob

..Petitioner/Accused

Versus

The State rep. by
Inspector of Police,
District Crime Branch,
Nagapattinam,
Nagapattinam Dt.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent not to harass the petitioner in any manner in respect of summons dated 05.08.2021 made in C.No.120/DCB/NGT/2021 issued by the respondent.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.R.Vinothraja
Govt. Advocate (Crl.side)

ORDER

(This case has been heard through video conference)

This petition has been filed seeking not to harass the petitioner in any manner except due process of law in respect of the summons dated 05.08.2021.

2. The contention of petitioner is that his brother owns a land in Survey No.289/3 situated at Thadalankovil Village, Sirkazhi Taluk and in order to sell the land, he gave power to one Ansari to the prospective purchaser. The said Ansari sold the land to one Mrs.Sudha for a valid sale consideration. While being so, petitioner's brother lodged a complaint alleging that out of total consideration of Rs.1,05,00,000/-, he received only a sum of Rs.20,00,000/- from his attorney and the balance amount was given to the petitioner. His contention is that the transaction made only between the petitioner's brother and the said power agent, and he is no way connected with the said transaction and due to jealousy over the petitioner, the present false complaint lodged. Further, the above dispute is civil in



nature. On the contrary, now, on the complaint of his brother, the petitioner being harassed. The respondent police are visiting house of the petitioner at odd hours.

3. The learned Government Advocate (Criminal Side) appearing for respondent would submit that in this case, the petitioner's brother given power of attorney to one Ansari and based on the power of attorney, he sold the property to one Mrs.Sudha for a sale consideration of Rs.1,05,00,000/-. The petitioner's brother received only a sum of Rs.20,00,000/- from his attorney and the balance amount of Rs.85,00,000/- was received by the petitioner from power of attorney of his brother. When he was called for enquiry, he was absconding. On the contrary, the petitioner filed the above petition. On the complaint given by the petitioner's brother, the appearance of the petitioner is required.

4. Heard the submissions of learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing on behalf of the respondents.

5. In view of the same, this Court directs the petitioner to appear before the respondent police on 07.10.2021 and in the event of not cooperating with the enquiry, the respondent police is directed to proceed in accordance with law by taking coercive action. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpp/nr

To

1. The Inspector of Police,
District Crime Branch,
Nagapattinam, Nagapattinam Dt.

2. The Public Prosecutor, High Court, Madras.

+1cc to Mr.Palanivel, Advocate, S.R.No.50975

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SJ(CO)
RGA(04/10/2021)