



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19235 of 2021

V.S.Suresh

... Petitioner

Vs.

State rep. by
The Inspector of Police,
E-8, Kelambakkam Police Station,
Chengalpet District - 603 103.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent not to harass the petitioner in the civil dispute under the guise of enquiry.

For Petitioner : Mr.S.J.Raja

For Respondent : Mr.R.Vinoth Raja
Government Advocate [Crl. Side]

O R D E R

This Criminal Original Petition is filed to direct the respondent not to harass the petitioner in the civil dispute under the guise of enquiry.

2.The learned counsel appearing for the petitioner submits that the petitioner is a Promoter in the Real Estate business, running a company in the name of M/s. Real Value Promoters Private Limited. The petitioner is the reputed real estate developer in South India and having ample experience in the field of construction of residential apartments, commercial complex and multistoried buildings for the past 25 years and the petitioner acclaimed goodwill from the customers.

3.He further submitted that the petitioner had a Power of Attorney from the land owners of M/s.ABC (I) International, authorizing the petitioner to develop the said project called "Padmasri" in Pudupakkam Village near Kelambakkam. The petitioner had put up construction in the above said land, major portion of the construction is over, due to the pandemic situation and the non payment of the customers, the petitioner is unable to complete the construction of the said project. The customers had filed a case before the TNRERA vide C.No.20/2018 and the same is pending for adjudication. Now more than 40 customers had lodged a complaint before the



respondent police and the petitioner is forced to settle the undue claims of those customers. The said dispute is civil in nature, there is no necessity to file a complaint before the respondent herein and they cannot give complaint against the petitioner, since it is a company and they have to give complaint against the company and not against the individual.

4.The learned Government Advocate [Crl. Side] submits that the petitioner had cheated around 80 persons in the guise of promoter and daily more and more complaints are received from the customers. Till date, the petitioner has not appeared before the respondent police. If at all the petitioner has got any protection order from the TNRERA or any other authorities, he has to produce the protection order to the respondent police. Thereafter, the respondent police would act accordingly.

5.Considering the rival submissions and on perusal of the materials, this Court directs the petitioner to appear before the respondent police on 08.11.2021, without fail and produce the protection order obtained from TNRERA or any other authorities, if any, in support of his explanation.

6.With the above observation, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
E-8, Kelambakkam Police Station,
Chengalpet District - 603 103.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.J.Raja, Advocate, S.R.No. 54281

Crl.O.P.No.19235 of 2021

SJ(CO)
GN(15/11/2021)