



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.20502 OF 2021

Syed Shafiullah Bahmani

... Petitioner

Versus

The Inspector of Police (Crime),
D1 Triplicane Police Station,
Walajah Road,
Anna Salai,
Chennai - 600 005.

... Respondent

PRAYER:-

Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police not to harass the petitioner.

For Petitioner : Mr.A.M.D.Khaleel

For Respondent : Mr.R.Vinoth Raja
Government Advocate
(Crl. side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police not to harass the petitioner under the guise of enquiry on a complaint given by one Sabiha Banu.

2. The contention of the petitioner is that he is the owner of the property. The counter-complainants Sabiha Banu and her husband entered into an agreement with the petitioner to purchase the property for a sale consideration of Rs.1 crore, for which, Rs.10 lakhs has been advanced to them. Thereafter, they were unable to complete the sale agreement and sought for return of money.



3. According to the petitioner, he had so far repaid Rs.5 lakhs to the counter complainants till September 2021 and had agreed to repay another sum of Rs.5 lakh by February 2022. Even though the counter-complainants are not pressurizing, the respondent police on the other hand are harassing the petitioner and calling him for enquiry at odd hours constantly. He further submits that the petitioner had earlier filed a civil suit for bare injunction in O.S.No.3661 of 2021, which is pending before the XVII Assistant City Civil Court, Chennai. The facts have been explained to the respondent police, but the respondent police are showing interest in getting themselves involved in this civil dispute and in no way the facts of the case would amount to any criminality.

4. Learned Public Prosecutor on the other hand submits that the petitioner had received an advance of Rs.20 lakhs and so far he has repaid only Rs.2.75 lakhs. The petitioner had given an undertaking on 14.08.2021, that the balance amount would be paid to the counter complainants within a period of 90 days. On the contrary, he has now approached this Court on the ground that the respondent police are harassing the petitioner.

5. Considering the relevant submissions and on a perusal of the materials, it is not in dispute that there was a sale agreement between the petitioner and Sabiha Banu and also the fact that the advance amount paid by the counter complainants are disputed by the parties as the counter-complainants state that they have paid Rs.20 lakhs, whereas the petitioner states that he has received only Rs.10 lakhs, but one thing is clear that some portion of the advance amount has been repaid by the petitioner and a civil suit is also pending.

6. Now the petitioner on instructions, submits that by February 2022, he would repay the advance amount received from the counter-complainants.

7. In view of the same, this Court finds that the dispute involved in this case is civil in nature and the petitioner already given an undertaking that he would be repaying the entire advance amount by February 2022, the respondent police is hereby directed not to harass the petitioner.

8. The petitioner is also directed to settle the amount by February 2022. If in any violation of the said direction and undertaking given by the petitioner, the respondent police is at



liberty to proceed against the petitioner in accordance with law.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

drm/rpl

To

1. The Inspector of Police (Crime),
D1 Triplicane Police Station,
Walajah Road, Anna Salai,
Chennai - 600 005.
2. The XVII Assistant City Civil Court,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.A.M.D.Khaleel, Advocate, S.R.No.58847

CRL.O.P.NO.20502 OF 2021

KSM(CO)
PBS/30/11/2021