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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.20505 OF 2021

R.Kavitha

... Petitioner

Versus

The State
Represented by Inspector of Police,
E3 Police Station, Teynampet,
Chennai - 600 006.

... 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.KT.Sankar Subramanian
For Respondent	:	Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner was summoned for enquiry pursuant to the complaint given by one Panneerselvam in CSR No.485 of 2021.

2.The contention of the learned counsel for the petitioner is that under the guise of calling for enquiry, the Sub Inspector of Police attached to E-3 Tenayampet Police Station had been calling the petitioner in her mobile phone during odd hours and further, police personnel were sent to her house in person and she was threatened before her minor children. Unable to face the harassment, the above petition.



3.The learned Additional Public Prosecutor submits that one Panneerselvam lodged a complaint stating that he had developed CMDA Approved 42 plots. The petitioner was doing real estate business and the petitioner had received Rs.2,00,000/- from one person, Rs.1.5 lakhs from two persons, and Rs.5,00,000/- from three persons and issued them the receipt in the name of Panneer Selvam defacto complainant's receipt book, which, she had physically taken from the complainant and now, when the same was questioned, the petitioner had given cheque for Rs.5,00,000/-. Thereafter, the cheque got dishonored. When the same was questioned, the petitioner had threatened the complainant Panneerselvam informing that she is doing the real estate business for the past 18 years and she has got muscle power and political power and that, she would do away with the complainant. When asking the rate for the plot is at Rs.2400/- per sq.foot, the petitioner is issuing advertisements stating that plots are for sale at Rs.1800 per sq.ft. The complaint has been lodged for the purpose of cheating complainant of Rs.5,00,000/- and also to get back the receipt book and other vouchers of the complainant. Based on the complaint, the petitioner was informed to appear before the respondent for enquiry and summons were issued on 22.10.2021 and further to appear on 23.10.2021. Failing to appear for enquiry, she had made the allegation as though she has been harassed by the respondent police.

4.The counsel for the petitioner further submitted that on 18.03.2021, an authorization letter was issued by tM/s/Sri Raghavendra Constructions and Developers, for which, the said Panneerselvam is a General Power of Attorney Holder. He gave an offer that the petitioner would receive Rs.300/- as commission for selling the plot at the rate of Rs.2,400/-. In fact, the petitioner canvassed and sold the plots and found out three prospective purchasers and commission was not paid by the complainant. Further, the persons, who had purchased the plots informed that the breadth of the road mentioned in the prospectual vouchers, which is furnished by the complainant, is 40 feet but in reality, on verification it is only 30 feet road and the persons, who had paid the money, are now asking the petitioner to return the money. In view of the same, there has been a dispute. When the same was questioned the Raghavendra Constructions and Developers revoked the authorization.

5.This Court finds that this is a civil dispute invoking cancellation of authorisation and this would not amount to any cheating. Further, the Raghavendra Constructions and Developers already received the cheque for Rs.5,00,000/- from the petitioner. Then it is for them to proceed according to law under Negotiable Instruments Act. In view of the same, the



petitioner need not be called for any enquiry.

With the above direction, the criminal original petition is disposed of.

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Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Inspector of Police,
E3 Police Station, Teynampet,
Chennai - 600 006.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Namasivayam, Advocate, S.R.No.57343

CRL.O.P.No.20505 of 2021

GSM(CO)

RLP(07/12/2021)