



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.12.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.23221 of 2021

Adalarasan

..Petitioners

Versus

State, Rep by its
The Inspector of Police,
Crime Branch,
Pallikaranai Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the Respondent police not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.M.Vijaya Ragavan
For Respondents: Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the Respondent police not to harass the petitioner under the guise of enquiry.

2. The case of the petitioner is as follows:

(i) He hails from Tiruvarur District. Initially the petitioner borrowed a sum of Rs.2,00,000/- from one Sabapathy, in the Year 2016 and he was repaying the debt by installments. Out of Rs.2,00,000/- he repaid a sum of Rs.1,21,000/-, but the said Sabapathy demanded more money stating as the amount which already paid was adjusted to interest. It is further stated that the said Sabapathy forcibly obtained signature of the petitioner in some blank papers and also obtained a settlement deed, which stands in the name of the petitioner's wife for security purpose. When the petitioner approached the said Sabapathy to repay the balance amount, he demanded further amount of Rs.3,25,000/- and also refused the return the document.



(ii) When the petitioner refused to pay the excess amount and exorbitant interest amount, as claimed by said Sabapathy he lodged a false complaint before the Edaiyur Police Station, Tiruvarur District and the petitioner had appeared before the said police station for enquiry and submitted his explanation. Finding that the case pertains to civil dispute, the Edaiyur Police officials has not taken any action. Suppressing the same, the Sabapathy lodged another complaint before the Respondent police station, based on which, the Respondent Police Officials has issued notice U/s.160 & 91 of Cr.P.C. dated 13.11.2021 to the petitioner to appear before him on 16.11.2021 at about 10.00 a.m., but the notice itself was served on the petitioner only on 16.11.2021.

3. The learned counsel appearing for the petitioner is that the petitioner was pressurized to appear before the Pallikaranai police for which the petitioner caused legal notice on 04.10.2021 and 16.11.2021, explaining all the aforesaid facts, despite the same the respondent police are harassing the petitioner under the guise of enquiry.

4. The learned Additional Public Prosecutor submitted that notice under Section 161 Cr.P.C. has been issued to the petitioner on 13.11.2021 calling him to appear before the respondent police for 16.11.2021, but instead of responding to the notice, the petitioner has filed this petition as though he has been harassed.

5. Heard both sides. Perused the records.

6. Considering the submission made by the learned counsel appearing on either side and on a perusal of the materials, it is seen that though the petitioner sent legal notices dated 04.10.2021 and 16.11.2021 to various authorities including the respondent, no reply has been received from any of the parties, fleecing innocent person by charging exorbitant interest and apprehending the same, the petitioner has filed this petition. All the above facts would make it very clear that the said Sabapathy is giving criminal colour to the civil dispute. Apart from that, the petitioner hails from Tiruvarur District and in view of the same, it is brining doubt how the cause of action arose in the complaint of Sabapathy and without jurisdiction how the respondent police called the petitioner for enquiry.

7. Hence, the respondent are directed to conduct preliminary enquiry and if any material is found against the petitioner, the respondent police to issue notice containing particulars of the complaint to enable him to give suitable reply.



8. Accordingly, this Criminal original Petition is disposed of.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

arr

To

1. The Inspector of Police,
Crime Branch,
Pallikaranai Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.23221 of 2021

KV(CO)
A.SK(27.12.2021)