



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2021

CORAM:

THE HONOURABLE **MR. JUSTICE A.A. NAKKIRAN**

CrI.O.P. (MD)No.4754 of 2021

P.B.Chinnavenkata Raja

... Petitioner

Vs.

1.The Superintendent of Police

Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
DCB, Virudhunagar District,
Virudhunagar.

3.P.Marikannan

... Respondents

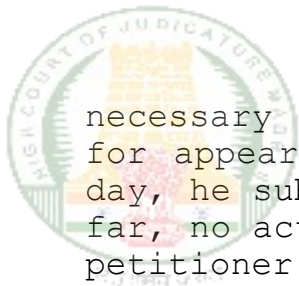
PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondents not to harass the petitioner and consequently, direct the respondents not to interfere with the civil dispute.

For Petitioners : Mr.P.Athimoolapandian
For R1 & R2 : Mr.M.Muthumanikkam,
Government Advocate(Crl.side)

ORDER

This petition has been filed to direct the respondents not to harass the petitioner and consequently, direct the respondents not to interfere with the civil dispute.

2.The learned counsel appearing for the petitioners submitted that due to financial requirements, the petitioner decided to sell the properties to some prospective buyers. While so, on 30.12.2020, one Ayyalusamy, S/o.Perumal approached the petitioner representing one P.Marikannan, S/o.Ponraj, who is the third respondent herein, expressed his willingness to purchase the petitioner Firm's land. Accordingly, an oral agreement was arrived at on the terms and conditions and a token advance of Rs.15,00,101/- was received from the said Ayyalusamy, a receipt was also given to that effect. But, neither the above said Ayyalusamy nor the said Marikannan had executed the sale deed. Without executing the sale deed, the above said persons are illegally trying to enter and clean the properties. Therefore, left with no other option, the petitioner decided not to sale the land and drew a Demand Draft bearing No.947346 for a sum of Rs.15,00,101/- (Rupees Fifteen Lakh One Hundred and One Only), drawn on Canara Bank, Rajapalayam Branch in favour of the third respondent. But, the third respondent refused to receive the same. However, the third respondent has given a complaint to the first respondent to harass the petitioner and the first respondent has forwarded the complaint to the second respondent for taking



necessary action. On 02.03.2021, the petitioner received summons for appearance before the second respondent on 04.03.2021. On that day, he submitted a representation to the second respondent. But, so far, no action has been taken in the representation submitted by the petitioner. Hence, the petitioner is before this Court.

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3. Heard the learned counsel appearing on either side.

4. Whatever might be the circumstances, the second respondent police is directed to consider the representation of the petitioners dated 04.03.2021 by following the principles laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610.***

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

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Superintendent of Police
Virudhunagar District,
Virudhunagar.

2. The Inspector of Police,
DCB, Virudhunagar District,
Virudhunagar.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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CN(15.06.2021) 2P 4C