



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.5012 of 2021

P.Saranraj ... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City.

2.The Assistant Commissioner of Police (Crime),
Thallakulam,
Madurai City.

3.The Inspector of Police (crime),
Thallakulam Police Station,
Madurai City.

4.Manickam ... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents No.1 to 3 herein to not to harass the petitioner under the guise of enquiry in pursuance to the complaint lodged by the fourth respondent.

For Petitioner : Mr.C.Senthil Murugan
For R-1 to R-3 : Mr.K.Suyambulinga Bharathi
Government Advocate

ORDER

This petition has been filed seeking a direction to the respondents No.1 to 3 herein not to harass the petitioner under the guise of enquiry in pursuance to the complaint lodged by the fourth respondent.

2.The case of the petitioner is that on 21.08.2017, the petitioner has borrowed a sum of Rs.3 lakhs from the fourth respondent and after borrowing the loan amount, he has regularly paid the interest to the fourth respondent. Later, on 22.01.2018, he has repaid the entire loan amount and asked the fourth respondent to return the stamp paper. The fourth respondent informed that the stamp paper is not available with him and assured that he will not use the same in future. On 09.02.2021, he received a summon from



the third respondent, whereby he was directed to appear before him for enquiry. In pursuance to the same, on 12.02.2021, the petitioner appeared before the third respondent and came to understand that the fourth respondent had lodged a complaint against him. Again, on 17.02.2021 the second respondent called the petitioner and instructed to attend the enquiry before the second respondent on 18.02.2021. Thereafter, the second respondent threatened him to settle the entire amount of Rs.2 lakhs, he would foist a false case and harass the petitioner on the guise of the enquiry unnecessarily. Hence, the petitioner made a detailed representation to the first respondent and the same has not been considered so far.

3. According to the learned counsel for the petitioner, in respect of a money transaction took place between the petitioner and the fourth respondent, the fourth respondent alleged to have given a complaint. Based upon the complaint, the respondent police is harassing him under the guise of enquiry.

4. According to the learned Government Advocate (crl.side), even though the police has no role to play in the money transaction took place between the parties, they are also ready to follow the due process of law in enquiring the complaint.

5. In view of the above, there shall be a direction to the respondents 2 and 3 to follow proper procedure and law, while dealing with the fourth respondent's complaint, since it appears to be purely civil in nature, as mandated in P.S.O. 562.Cl.(b).

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Commissioner of Police,
Madurai City.



2.The Assistant Commissioner of Police (Crime),
Thallakulam,
Madurai City.

3.The Inspector of Police (crime),
Thallakulam Police Station,
Madurai City.

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

+1 CC to M/s.THANGA ARAVINDH, Advocate (SR-16848[F] dated
21/04/2021)

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AS (26.05.2021) 3P 6C