



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P.(MD)No.5706 of 2021

M.Stephen

... Petitioner

Vs.

1. The Superintendent of Police,
Sivagangai, Sivagangai District.

2. The Inspector of Police,
Thirupathur Town Police Station,
Sivagangai District.

3. Amutham @ Stanley ... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, directing the second respondent not to harass the petitioner except under due process of law.

For Petitioner	: Mr.P.R.Prithiviraj
For Respondents	: Mr.K.Suyambulinga Bharathi
	Government Advocate (Crl.Side)
	for R1 & R2.

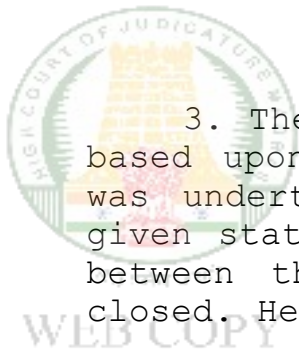
ORDER

This Criminal Original Petition is filed seeking a direction to the second respondent not to harass the petitioner on the basis of the complaint given by the third respondent.

2. The case of the petitioner is that he is running Travels in the name and style of "Poondi Puthumai Madha Travels" at Thirupathur, Sivagangai District. Under the said circumstances, during April 2013, the petitioner wanted some financial assistance for his business needs. Hence, the petitioner approached one of his friend namely Amuthan @ Stanley who is the 3rd respondent herein and the third respondent assured to provide some credit facilities to him. Accordingly, the petitioner received a sum of Rs.7,80,000/- on various dates on interest basis. Subsequently, the petitioner has paid admitted interest amount periodically to the 3rd respondent without any fault. Thereafter, due to demonetization issue, the petitioner could not pay the interest amount to the 3rd respondent in time and hence there was a dispute between them. Thus, the petitioner requested him to give some substantial time so as to enable him to mobilize the money. Further, the 3rd respondent informed the petitioner that it is sufficient to pay the principal amount and he does not want any further interest amount. Due to hard work, the petitioner earned



some money and the petitioner borrowed some money from his relatives so as to settle the credit to the 3rd respondent. Accordingly, the petitioner has paid a sum of Rs.2,80,000/- in the month of June 2018 and a sum of Rs.5,00,000/- in the month of January, 2019. Hence, the entire borrowed amount i.e., a sum of Rs.7,80,000/- has been settled to him way back in January 2019. On such payment, the 3rd respondent informed him that the entire credit amount has been cleared and there is no amount pending. Hence the issue attained its finality. Under the said circumstances, to his utter shock and surprise, the 3rd respondent demanded a sum of Rs.7,00,000/- towards interest payable to the principal amount. Hence the petitioner questioned and informed him that the entire amount has been already settled and the petitioner will not pay single paisa towards the interest. In turn, the 3rd respondent threatened him that the petitioner has to pay the interest amount as per his direction or otherwise, the petitioner has to face dire consequences. Hence the petitioner requested some of their common friends to negotiate the issue between them. Even then, the 3rd respondent did not hear anything and simply threatened the petitioner to pay the amount. The third respondent made a complaint against the petitioner before the 2nd respondent police by alleging that the petitioner has not repaid a sum of Rs.4,00,000/- towards principal amount. Subsequently, the petitioner appeared before the 2nd respondent on 10.03.2021 and informed them that the entire credit amount and substantial interest have been paid to him. But the 2nd respondent did not hear anything, on the other hand, he obtained coercive statement from the petitioner to the effect that the petitioner will pay a sum of Rs.2,50,000/- within 4 months time, from 15.03.2021. Further, the 2nd respondent threatened the petitioner by saying that if the petitioner fails to pay the amount, a case would be registered against him and he would be remanded to judicial custody. On 13.04.2021, the 2nd respondent police made a phone call and asked the petitioner to appear before them and settle the amount to the 3rd respondent. In turn, the petitioner explained them that he already paid the entire amount to him and there is no due payable to him. But the 2nd respondent police directed the petitioner by saying that if the petitioner did not settle the amount to the 3rd respondent immediately, then the petitioner would be arrested and remanded to judicial custody. Further second respondent obtained the signature from the petitioner in blank papers. The dispute is purely civil in nature and the 2nd respondent has no jurisdiction to compel the petitioner to repay the amount. Hence, he filed this present Criminal Revision Petition.



3. The learned Additional Public Prosecutor would submit that based upon the complaint given by the third respondent, enquiry was undertaken. In the enquiry, both parties have appeared and given statement before the second respondent. Since, the dispute between the parties is civil in nature, the enquiry has been closed. Hence, there is no question of harassment.

4. Recording the statement made by the learned Additional Public Prosecutor, this petition is closed. However, if any trouble arises in future, the petitioner is at liberty to work out his remedy before the appropriate forum.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

kmm

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,
Sivagangai, Sivagangai District.
2. The Inspector of Police,
Thirupathur Town Police Station,
Sivagangai District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court. Madurai.

+1 CC to M/s.HASAN MOHAMMED JINNAH, Advocate (SR-17087[F] dated 22/04/2021)

Crl.O.P. (MD)No.5706 of 2021
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