



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2021

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE G.ILANGOVAN**

**CrI.OP(MD).No.6265 of 2021**

1. Vidyadharan  
2. Raghuram : Petitioners/Aggrieved Person

Vs.

1. The Superintendent of Police,  
Thanjavur District,  
Thanjavur.  
2. The Inspector of Police,  
District Crime Branch,  
Thanjavur District.  
3. The Inspector of Police,  
Thanjavur East Police Station,  
Thanjavur District.  
4. Boominathan  
5. Sathasivam  
6. Karthik Kumar :  
Respondents/Respondents

**PRAYER** : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the second respondent not to interfere into the civil subject matter on a complaint preferred by the 4<sup>th</sup> to 6<sup>th</sup> respondents.

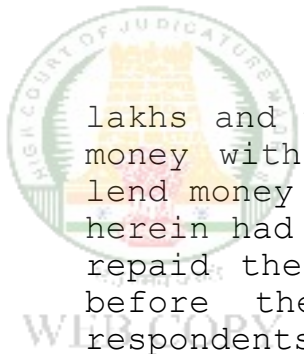
For Petitioner : Mr.R.Anand

For Respondents : Mr.K.Suyambulinga Bharathi,  
Government Advocate.  
For R1 to R3.

**ORDER**

This Criminal Original Petition is filed seeking a direction to the second respondent not to interfere with the civil subject matter on a complaint preferred by the 4<sup>th</sup> to 6<sup>th</sup> respondents.

2. The case of the prosecution is that the private respondents and the petitioners are interrelated. There was money transaction between the respondents 4 to 6 and Annamalai to the tune of few



lakhs and the said Annamalai by promising that he would return the money with accrued rate of 2% interest, on various occasions has lend money from them. At the time of availing loan, the petitioners herein had also been present. However, as assured, Annamalai has not repaid the loan. The respondents 4 to 6 had lodged a complaint before the first respondent. In fact, the fourth and fifth respondents are also close relative (maternal uncles) to the said Annamalai and the petitioners also are linked with close relationship. The complaint of the respondents 4 to 6 has reached the hands of the second and third respondents and under the guise of enquiry, they have started dictating terms upon the petitioners by saying that unless the amount due is settled within the time frame fixed by them, the petitioners would be taken into task. The petitioners came to know that the whole complaint revolves around an issue for which the civil court alone has got jurisdiction. Even according to the fourth respondent, his loan amount has not been repaid by the said Sivasubramanian along with interest. Instead of filing a civil suit for recovery of money, he influenced the second and third respondents and virtually allowed them to usurp the civil Court jurisdiction. The petitioners have given a representation to the first respondent on 21.04.2021 and since the same has not brought fruitful result, they have been constrained to seek the indulgence of this Court.

3. The learned Additional Public Prosecutor would submit that no complaint has been registered by the second and third respondent against this petitioners and no enquiry is also pending. When that is being the case, the question of harassment does not arise.

4. Since no complaint has been received the question of harassment does not arise, as rightly stated by the learned Additional Public Prosecutor.

5. Recording the statement given by the learned Additional Public Prosecutor, this Criminal Original Petition stand disposed of, since no further adjudication or direction is necessary.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm

To

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

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Inspector of Police,  
District Crime Branch,  
Thanjavur District.

3. The Inspector of Police,  
Thanjavur East Police Station,  
Thanjavur District.

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

**Crl.OP. (MD) .No.6265 of 2021**  
**30.04.2021**

RK (11.08.2021) 3P 5C