



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.8732 of 2021

S.S.Manickam

... Petitioner

Vs.

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

2. The Inspector of Police,
South Police Station,
Karaikudi,
Sivagangai District.

3. Chinnathurai

4. Thavamani

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 and 2 herein not to involve in civil dispute and not to harass the petitioner.

For Petitioner : Mr.VR.Shanmuganathan

For R-1 and R-2 : Mr.R.M.Anbunidhi

Additional Public Prosecutor

O R D E R

This petition is filed seeking a direction to the respondents 1 and 2 herein not to harass the petitioner, under the guise of enquiry.

2. The case of petitioner is that during the year 2003, he entered into a partnership agreement with the third respondent herein for the purpose of running a kerosene selling business under the name and style of M/s.Venkatachalam & Co. After running the business for three year, at the request of the third respondent, the Partnership Firm was dissolved and accounts were settled on 31.03.2006. On 16.06.2021, around 8.00 p.m., the third respondent along with his wife trespassed into the house of the petitioner and entered into quarrel by using filthy language and slapped the petitioner. Therefore, the petitioner lodged a complaint with the second respondent.

2.1. The Sub Inspector of Police was entrusted with the enquiry



and during the course of enquiry, the Sub Inspector of Police threatened the petitioner to pay Rs.20 lakh with the third respondent and also threatened that if the amount is not paid, a case would be registered against him. Thereafter, the petitioner explained him about all the facts and circumstances of the case. But, the Inspector of Police sent the petitioner for Medical Check up along with other accused for remand. But, the petitioner was brought back to the station, at that time, he was directed to pay Rs.6 lakh to the third respondent. On the next day, he was made to sign in a settlement of undertaking to the effect that he agreed to pay a sum of Rs.4 lakh to the third respondent. The Sub Inspector of Police has no right to make any threat upon the petitioner to meet out the illegal demand of the third respondent. Therefore, the petitioner lodged a complaint with the second respondent. Since there was no reply and proper action, again, he sent a written representation on 22.06.2021. But, there was no response from the respondent Police. Hence, this petition.

3. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor submits that based on the complaint given by the third respondent, enquiry was undertaken in CSR No.243 of 2021 and during the course of enquiry, it was found that there was a civil dispute based upon the money transaction and the petitioner himself agreed to repay Rs.4 lakh and on that basis, the third respondent made a statement stating that no further action is required and based on that, the complaint was closed on 19.06.2021.

4. In view of the submissions made by the learned Additional Public Prosecutor, nothing survives in this petition for consideration or for direction. Hence, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
South Police Station,
Karaikudi,
Sivagangai District.

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

+1 CC to M/s.V.R.SHANMUGANATHAN, Advocate (SR-21444[F] dated
07/07/2021)

Crl.O.P. (MD)No.8732 of 2021
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RD (14.07.2021) 3P 5C