



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.4070 of 2019

D.Sambath

... Petitioner

-vs-

1.The Superintendent of Police
Office of the Superintendent of Police Campus
Nagercoil, Kanyakumari District

2.The Inspector of Police
District Crime Branch
Nagercoil
Kanyakumari District

3.G.Joseph

4.J.Anbalagan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the respondents 1 and 2 from conducting Kangaroo court in respect of the petitioner's civil transactions and not to interfere in civil and business transactions by converting the same into criminal nature by considering the petitioner's representation dated 09.02.2019.

For Petitioner : Mr.Niranjana S.Kumar

For Respondents : Mr.A.Thiruvadi Kumar

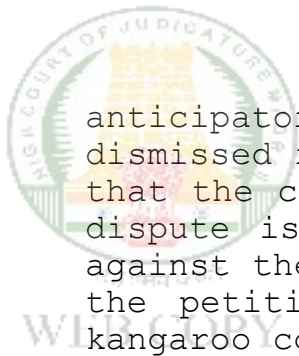
Additional Public Prosecutor for R1 & R2

Mr.T.Lajapathi Roy for R3 & R4

O R D E R

Pursuant to the complaint given by the fourth respondent to the District Crime Branch, Nagercoil, the petitioner herein was summoned for enquiry.

2. The sum and substance of the complaint given by the fourth respondent was that the petitioner herein had borrowed a sum of Rs.46,00,000/- from him to improve his business and gave three cheques and also entered into an agreement, but later, when he demanded repayment of the money, the petitioner avoided him with an intention to cheat. Alleging that the respondent Police, taking advantage of the complaint given by the fourth respondent, which is purely civil in nature, is conducting kangaroo court, extracting money from him and threatening him to repay the money or case will be foisted against him, which forced him to file a petition for



anticipatory bail before this Court, however, the said petition was dismissed recording the statement of the learned Government Advocate that the complaint given by the fourth respondent was closed as the dispute is civil in nature and no case or no petition is pending against the petitioner herein. In spite of that, it is contended by the petitioner herein, the second respondent is still conducting kangaroo court and trying to extract money from him.

3. Today, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 furnished a copy of the closure report dated 11.12.2018, wherein the petitioner herein has agreed to repay the loan amount in installments and recording the same, the complaint given by the fourth respondent has been closed.

4. Now, the learned counsel for the petitioner would submit that after filing of this writ petition, there is no trouble from the respondent Police. Whereas, the learned counsel for the respondents 3 and 4 would submit that by filing this writ petition, the petitioner is evading repayment of the loan amount and therefore, the fourth respondent is unable to pursue his remedy even through the Civil Court.

5. This Court is of the view that since the respondent Police, after enquiring the petitioner, has closed the complaint given by the fourth respondent and admittedly, as of now, there is no interference of the respondent Police in the civil dispute, it is suffice to record the same and dismiss the writ petition.

6. Accordingly, the writ petition is dismissed. It is open to the parties to workout their remedy in the manner known to law. No costs.

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,
Office of the Superintendent of Police Campus,
Nagercoil, Kanyakumari District.

2.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

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

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-39009[F]
dated 16/12/2021)

+1 CC to M/s.NIRANJAN S KUMAR, Advocate (SR-38938[F]
dated 15/12/2021)

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SE (CO)

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