



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05/08/2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.10639 of 2021

WEB COPY

Umavathi

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Kenikarai Police Station,
Ramathapuram District.

3.Tamilselvi

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondent police not to harass the petitioners on the guise of enquiry except through due process of law.

For Petitioner : Mr.J.Vishnu

For R-1 & R-2 : Mr.R.M.Anbunithi

Additional Public Prosecutor

O R D E R

This petition has been filed seeking a direction to the respondent police not to harass the petitioner under the guise of enquiry on the basis of the complaint given by the third respondent.

2. The case of the petitioner is that the third respondent is the sister of the petitioner and at her request, she was permitted to stay in her house along with her husband. Taking advantage of illiteracy of the petitioner's father and mother, the third respondent's husband appears to have changed name in Electricity connection as well as house taxes. On that basis, the third respondent appears to have given a complaint to register the property in the name of the third respondent. Hence, this petition.

3. The learned Additional Public Prosecutor would submit that based on the complaint given by the third respondent, enquiry is undergoing in CSR No.507 of 2021. In the complaint, it is stated that the petitioner appears to have received a sum of Rs.1.7 lakhs by promising to execute the sale deed in respect of the property. The petitioner failed to keep his promise to execute the sale deed and on that basis enquiry was conducted and enquiry is pending.



4. A reading of the complaint would show that it is a money dispute between the petitioner and the third respondent and they have to work out their remedy before the appropriate forum by filing appropriate proceedings and the second respondent has no role to play. Hence, the second respondent has to close the complaint by advising the parties to approach the appropriate forum seeking remedy. Accordingly, the learned Additional Public Prosecutor undertakes to instruct the second respondent.

5. Recording the undertaking given by the learned Additional Public Prosecutor, this petition is allowed directing the third respondent to close the enquiry by following PSO 592(b).

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

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,
Ramanathapuram District.

2.The Inspector of Police,
Kenikarai Police Station,
Ramathapuram District.

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

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RD(12.08.2021) 2P 4C