



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.15750 of 2020

Jesuraj

... Petitioner

Vs.

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

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

3.Appadurai
Sub-Inspector of Police,
District Crime Branch,
Thoothukudi District,
Thoothukudi.

4.Yogaraj

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C to direct the respondents 1 to 3 not to interfere in the civil dispute between the petitioner and the fourth respondent under the guise of any enquiry.

For Petitioner : Mr. R.Pon Karthikeyan

For Respondents 1 & 2 : Mr.Erottusamy

Government Advocate (Crl. Side)

ORDER

The case of the petitioner is that the petitioner borrowed a sum of Rs.10,00,000/- (Rupees Ten Lakhs) from the fourth respondent during the year 2016 and the fourth respondent pressurised him to settle the entire amount during October 2019 and also requested him to pay huge amount towards interest. In this regard, the fourth respondent also lodged a false complaint against the petitioner. According to the petitioner, the third respondent is determined to harass the petitioner and therefore, he has filed the present petition.

2.Per contra, Mr.Erottusamy, learned Government Advocate takes notice for the respondents 1 to 3. His specific contention is that the complaint given by the fourth respondent was registered



FIR in Crime No.3/2021 for the offences punishable under Sections 406, 420, 294(b), 506(ii) of IPC.

3.The specific contention of the petitioner is that since the matter in issue between the petitioner and the fourth respondent is civil in nature, the respondents 1 to 3 have no *locus-standi* to harass the petitioner by way of conducting any enquiry. Since FIR has already been registered for the offences under Section 406, 420, 294(b) and 506(ii) of IPC, the respondents 2 and 3 are directed to follow the guidelines in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610.***

4.With the above observation, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

// 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,
Thoothukudi District,Thoothukudi.
- 2.The Inspector of Police,
District Crime Branch,
Thoothukudi District,Thoothukudi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD)No.15750 of 2020
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