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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.2455 OF 2022

V.Tamizhalagan

... Petitioner

Versus

1. The Commissioner of Police,
Tambaram.
2. The Deputy Commissioner of Police,
St.Thomas Mount,
Chennai.
3. The Assistant Commissioner of Police,
Selaipur, Tambaram,
Chennai.
4. The Inspector of Police,
S-15, Selaipur Police Station,
Selaipur, Tambaram,
Chennai.

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents not to harass the petitioner.

For Petitioner : Mr.S.Nambirajan

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed to direct the respondents not to harass the petitioner and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.



2. The grievance of the petitioner is that the petitioner is running a real estate business under the name and style of "V.V.Enterprises", situated at Old No.R1, New No.47/3. Saraswathi Apartments, 1st Floor, 6th Avenue, Anna Nagar, Chennai - 600 040. One Sivakumar is the close friend of the petitioner for the past ten years, who was working in Indian oil Corporation. The above said Sivakumar has only acted as a middleman between the petitioner and the vendor for selling the property and nothing more. During the month of May, 2020, the said Sivakumar had approached the petitioner and requested him to get a job for his son and other two persons in any Government Department. The petitioner in turn introduced one Suresh and Prabhu, residing at K.K.Nagar, who introduced themselves as contractors engaged with Chennai Corporation and Tamil Nadu Electricity Board. They can help Sivakumar for getting Government job for his son. On such claim the said Sivakumar paid a sum of Rs.13,00,000/-, for getting Government Job. Further Rs.5,00,000/- was paid by way of cash for investing in Rathna Traders-cum-Multi Level Marketing Company (MLM), having office at Thirumangalam, Anna Nagar, Chennai - 600 040. The said Sivakumar paid a sum of Rs.18,00,000/- through the petitioner. The petitioner had not received any money. In the mean while, the said Sivakumar requested the petitioner to return the aforesaid amounts, since he introduced them.

3. He further submits that due to the sudden closure of Rathna Traders- cum - Multi Level Marketing Company (MLM). Money could not be paid back to Sivakumar. The petitioner was called for enquiry and he appeared, gave undertaking that he would take steps to sought out the issues between the said Sivakumar, Suresh and Prabhu. For which the petitioner is being unnecessarily harassed by the respondent police. They also obtained some blank cheques from the petitioner and attempted to use the same against the petitioner. The petitioner lodged a complaint on 15.07.2021 to the Inspector of Police, Law and Order, Anna Nagar Police Station. The petitioner already paid a sum of Rs.2,00,000/- to one Mathivanan, Rs.2,00,000/- to one Mohan's mother Manjula. He is ready and willing to pay a sum of Rs.5,00,000/- to Uthra Traders and already paid Rs.45,000/- to one Josuva on behalf of Sivakumar. The above said amounts were paid through bank transaction after that the said Sivakumar threatened the petitioner with a Civil Suit in O.S.No.4789 of 2021 which is also pending against the petitioner, before the VII City Civil Court, Chennai. Despite the respondent police aware about all these facts, are causing harassment to the petitioner. Hence he filed the above petition.

4. The learned Additional Public Prosecutor submits that the petitioner received a sum of Rs.12,15,000/- from the counter complainant Sivakumar, for getting a Government Job for his son.



Thereafter he cheated the said Sivakumar. The petitioner not only cheated Sivakumar, also cheated several other persons and the complaints are received by the respondent police. The petitioner appeared before the respondent police, informed that the said issue will be settled amicably, on the contrary, failed to make the payments and now approached this Court alleging harassment.

5. He further submits that the petitioner is involved in a job racketing case. The presence of the petitioner is required to conduct enquiry and to find out who are all the other persons involved in the job racketing and who were cheated by the aforesaid persons. If the involvement of the petitioner is found, the respondent police would register FIR and proceed with the case, otherwise the complaint will be closed.

6. The learned counsel on instruction submits that the petitioner shall appear before the respondent police on 14.02.2022 and resolve the issue between the petitioner and the said Sivakumar.

7. Considering the submissions and on perusal of the materials, this Court directs the petitioner to appear before the Assistant Commissioner of Police, Anna Nagar on 14.02.2022. Thereafter the Assistant Commissioner of Police, Anna Nagar is directed to conduct enquiry and conclude within a period of three weeks. The Assistant Commissioner of Police, Anna Nagar is also directed to register the FIR, if materials found against the petitioner. It is made clear that the pendency of the suit in O.S.No.4789 of 2021 will not have any bearing on the enquiry and further.

8. With the above directions, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

1. The Commissioner of Police,
Tambaram.



2. The Deputy Commissioner of Police,
St.Thomas Mount,
Chennai.
3. The Assistant Commissioner of Police,
Selaiyur, Tambaram,
Chennai.
4. The Inspector of Police,
S-15, Selaiyur Police Station,
Selaiyur, Tambaram,
Chennai.
5. The Assistant Commissioner of Police,
Anna Nagar, Chennai.
6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Nambirajan, Advocate, S.R.No.6756

CRL.O.P.NO.2455 OF 2022

NRL(CO)
PBS/18/02/2022