



W.P.No.28321 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 26.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.28321 of 2022

Monica Ravindran

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
EDF-II, Central Crime Branch-1,
Commissionerate of Police,
Chennai-7.

2. The Inspector of Police,
Team-XXXVII, EDF-II, Central Crime Branch-1,
Commissionerate of Police,
Chennai-7.

3. R.Senthil Kumar

.. Respondents

Prayer: Writ Petition filed under Section 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents 1 and 2 to prevent them from further misusing their lawful authority maliciously and abusing the process of law by criminalizing a plain civil dispute resulting in miscarriage and denial of natural justice to the petitioner's family, including petitioner and deprivation of her fundamental rights as guaranteed by the Indian Constitution.



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Petitioner (party in person) : Ms.Monica Ravindran P.

For respondents 1 &2 : Mr.S.Santhosh
Government Advocate (Crl.side)

For third respondent : Mr.K.S.Arumugam
Mr.P.Kesavalu

ORDER

This Writ Petition has been filed seeking to issue a Writ of Mandamus directing the respondents 1 and 2 to prevent them from further misusing their lawful authority maliciously and abusing the process of law by criminalizing a plain civil dispute resulting in miscarriage and denial of natural justice to the petitioner's family, including petitioner and deprivation of her fundamental rights as guaranteed by the Indian Constitution.

2. The petitioner, who is appearing party in person, submitted that the father and mother of the petitioner had entered into a sale agreement with the third respondent, with regard to the immovable property. Since the conditions of the sale agreement were not complied



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with, sale deed was not executed by her parents and in view of the same, the third respondent gave a complaint against her parents and it was registered in Crime No.133 of 2022 for the offences punishable under sections 406, 420, 123, and 34 of IPC. She further submitted that, under the guise of enquiry, the respondent police is harassing the petitioner and her family members and hence this writ petition.

3. The learned counsel appearing for the third respondent submitted that the father and mother of the petitioner are the owners of the property and they entered into a sale agreement with the third respondent and they received the entire sale consideration by way Demand Draft. He further submitted that, after receiving the entire sale consideration, the vendors have not come forward to execute the sale deed and hence the third respondent lodged a complaint against them and is under the progress of enquiry.

4. The learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 submitted that upon receiving the complaint from the third respondent, the respondent police registered a case in Crime



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No.133 of 2022 against the father and mother of the petitioner and no case is registered against the petitioner. He further submitted that one Ms. Swathi was summoned by the respondent police, since the amount was deposited in her account.

5. Recording the submission made by the learned Government Advocate (Crl.Side), the second respondent is directed to follow the Proviso to Section 60 of Cr.P.C. and not to call any woman to the police station for enquiry. Further, the second respondent is directed to conduct enquiry upon the complaint given by the third respondent, in accordance with law, without harassing the petitioner and her family members.

6. With the above direction, this Writ Petition is disposed of. No costs.

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Index:Yes/No
mst



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To

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EDF-II, Central Crime Branch-1,
Commissionerate of Police,
Chennai-7.
2. The Inspector of Police,
Team-XXXVII, EDF-II, Central Crime Branch-1,
Commissionerate of Police,
Chennai-7.
3. The Public Prosecutor,
Madras High Court.



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V.SIVAGNANAM, J.

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