



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.27355 of 2021
and
W.M.P.No.28866 of 2021

Meena Anand

... Petitioner

Versus

1. State of Tamil Nadu,
Rep. by its Secretary,
Home Department,
Fort St. George, Chennai -9.
2. The Assistant Commissioner of Police,
Central Crime Branch,
EDF-I Wing, Vepery,
Chennai - 600 007.
3. The Inspector of Police,
EDF-I Wing, Vepery,
Chennai - 600 007.
4. Dr.A.Nalin Dhas Nayagam

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the constitution, to issue Writ of Mandamus, forbearing the 2nd and 3rd respondents from indulging in harassing and threatening the petitioner and her family members based on the fabricated complaint lodged by the 4th respondent on 29.10.2021 in a civil dispute.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
For R1 to R3.

ORDER

The petitioner had filed this Writ Petition stating that on a fabricated complaint lodged by the 4th respondent, the



petitioner had been unnecessarily harassed for a civil dispute. The petitioner and the 4th respondent have entered into a written Business Agreement, wherein, a high end Gym was to be commenced. The 4th respondent said to have invested a sum of Rs.45 lakhs and thereafter, the commencement of business got delayed. In the meanwhile, some dispute arose between the partners and in the business agreement, there is an arbitration clause. Despite the same, police are unnecessarily calling the petitioner for enquiry and also harassing her. Further, threatening to register the case and would lodge the entire family into prison. Fearing harassment and torture, the above petition has been filed.

2. The learned counsel for the petitioner submitted that false allegations were made and it was the business venture, for some reasons, the same could not be proceeded further. Further, the petitioner's mother-in-law and father-in-law are octogenarians, being more than 80 years old, it is nothing but a harassment and the 3rd respondent, using the First Information Report, is attempting to freeze the petitioner.

3. The learned Additional Public Prosecutor appearing for the respondents 1 to 3 submitted that against the petitioner, her husband, Mother-in-law and Father-in-law, a case in Crime No.18 of 2022 for the offence under Section 406 r/w 34 of IPC was registered. There was a business understanding between the petitioner and the 4th respondent, for some reason, the same could not be completed. The business is for running a high end fitness center. The 4th respondent had paid huge sums of money, which have been misappropriated by the petitioner and others.

4. In view of the First Information Report already registered, this Court is not inclined to entertain the petition, but gives direction to the 3rd respondent not to use extra constitutional force, considering the fact that it is a business transaction, further two of the accused in this case are octogenarians.

5. In view of the same, this Writ Petition is disposed of. No costs. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mpl/srn



To

1. The Secretary,
Home Department,
Fort St. George, Chennai -9.

2. The Assistant Commissioner of Police,
Central Crime Branch,
EDF-I Wing, Vepery,
Chennai - 600 007.

3. The Inspector of Police,
EDF-I Wing, Vepery,
Chennai - 600 007.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Vijay Anand, Advocate, S.R.No.5040

W.P.No.27355 of 2021

KSM[co]
NSK 10/03/2022