



WEB COPY



Crl.O.P.No.29605 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.29605 of 2022

C.S.Vasanth

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
City Crime Branch,
Coimbatore & District.
2. The Inspector of Police,
City Crime Branch,
Coimbatore & District.
(Crime No.Not Known 2022)
3. Prsamraj Properties (I) Pvt Ltd.,
Rep. by its Director
Mr.Deepak Raju,
No.103, 7th Street, Tatabad,
Coimbatore-641 012.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 1st and 2nd respondents not to harass the petitioner based on the complaint made by the third respondent dated 25.05.2022.

For Petitioner : Mr.K.Thilageswaran

For Respondents : Mr.S.Santhosh,
Govt. Advocate (Crl.Side) for R1 & R2



Crl.O.P.No.29605 of 2022

ORDER

WEB COPY

This Criminal Original Petition has been filed to direct the respondents 1 & 2 not to harass the petitioner based on the complaint made by the third respondent dated 25.05.2022.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2.

3. The learned counsel for the petitioner submitted that the petitioner is the owner of the subject property, in which she has executed Memorandum of Understanding with the third respondent on 07.03.2012 for developing her property. Since the third respondent did not go in accordance with the terms of Memorandum of Understanding, once again an additional Memorandum of Understanding was executed between the petitioner and the third respondent on 29.10.2020. In the said additional Memorandum of Understanding, it was agreed by the third respondent that the petitioner can engage service of other developers for developing the property. Despite the same, now, the third respondent breached the terms of the additional Memorandum of Understanding and given a false complaint. On the basis of the above



Crl.O.P.No.29605 of 2022

WEB COPY

complaint, the petitioners being harassed by the first respondent police under the guise of enquiry. Hence, the petitioner is before this Court.

4. The learned Government Advocate (Crl.Side) appearing for the respondents 1 & 2 submitted that on the complaint given by the third respondent, current paper enquiry has been initiated in C.No.144/PG/COPCBECITY/2022 and the same is pending for enquiry.

5. The learned counsel for the petitioner submitted that the petitioner is a senior citizen, who is aged about 68 years and the matter involved is only contractual obligations.

6. The enquiry of the first respondent reveals that the matter pertains to breach of contract or any other liability that arises out of the contract. It is obligatory on his part to close the matter as civil in nature.

7. Since the petitioner is a senior citizen, this Court directs the respondents to conduct an enquiry and complete the same as early as possible. The petitioner is at liberty to give her written explanation in respect of making herself present before the first respondent. If the petitioner had already given her written submission, the first respondent shall consider the same and do the needful in accordance with law. It is needless to say that while conducting enquiry, the first respondent shall adhere to the guidelines laid down by the



Crl.O.P.No.29605 of 2022

Hon'ble Supreme Court in the case of *Lalita Kumar Vs State of Uttar Pradesh & another reported in 2014 (2) SCC 1.*

8. With the above observations, this Criminal Original Petition is disposed of.

01.12.2022

Index: Yes/No

Speaking / Non Speaking Order
kmi

To

1. The Assistant Commissioner of Police,
City Crime Branch,
Coimbatore & District.
2. The Inspector of Police,
City Crime Branch,
Coimbatore & District.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.29605 of 2022

R.N.MANJULA, J.

kmi

Crl.O.P.No.29605 of 2022

01.12.2022