



CrI.O.P.(MD) No.12269 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.O.P.(MD) No.12269 of 2022

K.Kasi Raja

... Petitioner

Vs

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

2. The Inspector of Police,
Virudhunagar Bazaar Police Station,
Virudhunagar, Virudhunagar District..

3. R.VR.Saravanan

4. Mank Chan Gothi (HUF)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the 2nd respondent that not to harass the petitioner and his family members in the guise of enquiry based on the complaint of the 3rd respondent and consequently to direct the 2nd respondent that not to interfere into the money dispute between them.



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For Petitioner : M/s. Jegadeesan.M,

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the second respondent that not to harass the petitioner and his family members in the guise of enquiry, based on the complaint of the third respondent and consequently to direct the second respondent not to interfere into the money dispute between them.

2.The learned counsel for the petitioner submitted that the petitioner has purchased the XYLO car bearing registration No.TN 16 Y 7089, through the fourth respondent's finance, which was arranged by the third respondent. Thereby, the petitioner got Rs.4 lakhs as finance for his car and he undertook to pay the monthly instalment of Rs.21,000/- and sofar, he has paid Rs.2,31,000/- towards his debt. Due to COVID-19 situation, he was not able to repay the monthly dues. Therefore, the third respondent gave a complaint against the petitioner and based on that the second respondent Police harassing the petitioner. Hence, this petition.



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3.The learned Government Advocate (Crl.Side) submitted that based on the complaint given by the third respondent, the second respondent police has conducted an enquiry. The petitioner also appeared before the enquiry on 29.03.2022 and undertook to repay the loan amount, failing which, he would return the car. Thereafter, he neither repay the amount nor appear for enquiry.

4.I considered the matter in the light of the submissions made by both sides. The fact reveals that the petitioner has purchased the XYLO Car bearing registration No.TN 16 Y 7089, through the fourth respondent's finance, with the assistance of the third respondent. Sofar the petitioner has paid Rs.2,31,000/- towards his debt. The reason stated by the petitioner in his petition that due to COVID-19 situation, he was not able to repay the monthly dues. Due to which, the third respondent gave the complaint against the petitioner. The petitioner had also appeared before the enquiry and undertook to repay the amount.

5.In these circumstances, the second respondent Police is hereby directed to initiate action, without harassing the petitioner illegally, only in accordance with law and as per directions of Hon'ble Supreme Court.



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6. Accordingly, this Criminal Original Petition is closed.

08.07.2022

Internet: Yes

Index: Yes

PNM

To

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

2. The Inspector of Police,
Virudhunagar Bazaar Police Station,
Virudhunagar, Virudhunagar District..

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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