



WP.No.4746 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.4746 of 2023

Palaniappan

... Petitioner

VS

1.The Commissioner of Police,
Office of the Commissioner of Police,
Chennai.

2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Adyar,
Chennai.

3.Nelson

4.K.T.R.Karuppaiya

5.Palaniyappan

6.Muthuvel

... Respondents

Prayer : Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, to direct the respondent No.1 to conduct enquiry and take action against the respondent No.3 on the basis



WP.No.4746 of 2023

of the petitioner's representation dated 04.02.2023, consequently direct the respondent No.2 for not to harass the petitioner and his family members by intervening into the civil dispute in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Santhosh (For R1 to R3)
Government Advocate (crl.side)

ORDER

This Writ Petition has been filed seeking for a direction to respondent No.1 to conduct enquiry and take action against the respondent No.3 on the basis of the petitioner's representation dated 04.02.2023, consequently direct the respondent No.2 for not to harass the petitioner and his family members by intervening into the civil dispute in accordance with law within the time stipulated by this Court.

2.The learned counsel for the petitioner submitted that petitioner filed CrI.O.P.No.21837 of 2022 seeking a protection from harassment by the respondents therein. This Court also passed an order on 12.09.2022 giving guidelines as to how the enquiry should be conducted. After the order was passed in CrI.O.P.No.21837 of 2022, petitioner was called for



WP.No.4746 of 2023

enquiry by second respondent and atleast on three occasions petitioner appeared for the enquiry. At the time of enquiry, R4 to R7 were present and they threatened the petitioner to pay the money, in the presence of the third respondent. Fourth respondent received several blank cheques and bond from the petitioner and filing cases through several persons. Therefore, this petition.

3.In response, the learned Government Advocate (Criminal side) submitted that on the basis of the complaint given by one Muthuvel, S/o. Kumar alleging that petitioner borrowed a sum of Rs.10,00,000/- alleging that he owned a big house at Bangalore, and after receiving the money failed to repay the amount. The cheque issued for the discharge of this loan amount was also dis-honoured. On the basis of this complaint, petition enquiry in C.S.R.No.338 of 2022 is pending.

4.It is seen from the submissions made by the learned counsel appearing for the parties that petitioner borrowed money from fourth respondent and he is initiating proceedings against the petitioner with the



WP.No.4746 of 2023

help of fifth respondent and sixth respondent. It is also the submission of the learned Government Advocate (Criminal side) that petitioner was asked to appear for enquiry only in connection with the pending money transactions. In the said circumstances, this Court directs the respondents 1 and 2 not to interfere with money transaction, which is purely a civil in nature. In this view of the matter, this Court is of the view that it is not necessary to take action against the third respondent on the basis of complaint given by the petitioner.

5. With the above directions and observations, this Writ Petition is disposed of. No costs.

20.02.2023

Index: Yes/No

Speaking/Non speaking order

ep



WEB COPY



WP.No.4746 of 2023

G.CHANDRASEKHARAN, J.

ep

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Chennai.
- 2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Adyar,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

W.P.No.4746 of 2023



WEB COPY



WP.No.4746 of 2023

20.02.2023