



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23509 of 2023

C.Natesan

... Petitioner

Vs.

1. State by,
The Commissioner of Police,
Thambaram Commissioner Office,
Sholinganallur, Chennai – 600 119.

2.The Inspector of Police (L & O)
T-19, Kelambakkam Police Station,
Chennai – 603 103.

3.Chippada Siva Ramakrishna

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to issue a direction to the respondents to consider the petitioner's representation dated 3.10.2023 for not to harass the petitioner and his family members.

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



for R1 & R2

WEB COPY

ORDER

The petitioner herein seeks the second respondent police regarding the complaint given by the third respondent alleging that the petitioner received a sum of Rs. One lakh as an advance to sell the property for a worth of about Rs.12 lakhs but is desirine not ready to execute the sale deed after receiving the balance sale consideration.

2. According to the petitioner, based on this frivolous complaint, the respondent police has summoned him and pressured him to pay Rs.12 lakhs. Further, the learned counsel for the petitioner contends that the agreement for sale is dated 11.05.2013 and the defacto complainant paid only Rs.1 lakh initially and then Rs.4 lakhs subsequently for non-performance of the conduct and tendering the balance money. The agreement became a non-enforceable agreement after the expiry of 3 years. For that, enforcement of contract, the petitioner is now being arrest by the defacto complainant with the help of the 2nd respondent police.



WEB COPY

3. The Government Advocate (Crl.Side) submits that the petitioner was summoned to appear on 16.09.2023 and produced documents for enquiry on the complaint given by the third respondent and taken up as CSR.No.259 of 2023. Though the petitioner states that he appeared in response to the summons issued under Section 91 of Cr.P.C. The Government Advocate (Crl.Side), after getting instruction from the concerned police, states that the petitioner did not appear but as a result of the frivolous complaint.

4. Be that as it may, it is sufficient to direct the respondent police to cause fresh summons for producing the document, and on receipt of the summons, the petitioner shall appear and produce all required documents. If the investigation agency, after enquiry, finds that it is a matter of civil dispute and there is no criminality on the part of the petitioner, then an appropriate report shall be prepared and filed within a period of 30 days.



WEB COPY 5. With the above observation, this Criminal Original Petition is disposed of.

12.10.2023

Index : Yes/No

Neutral Citation : Yes/No

drl

To

The Superintendent of Police,
Vellore District, Vellore.

2.The Inspector of Police,
District Crime Branch,
Vellore District, Vellore.
Chrompet, Chennai – 47.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



5

Dr.G.JAYACHANDRAN,J.

drl

Crl.O.P.No.23509 of 2023

12.10.2023