

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 15.03.2023

Delivered on : **31.03.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

**Crl.O.P.(MD) No.1376 of 2021
and Crl.M.P.(MD)No.662 of 2021**

J.Lilly Kanagarani

... Petitioner

Vs.

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

2. The Inspector of Police,
Aruppukottai Police Station (Crime),
Aruppukottai, Virudhunagar

3.J.Sridhar Gnanathan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the summon, dated 19.12.2020 and its entire enquiry proceedings of the second respondent on the file of the second respondent and quash the same as illegal.

For Petitioner : Mr.A.Jeyaram

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (CrI.Side) for R1&R

: Mr.J.Gunaseelan Muthiah for R3

ORDER

This petition is filed to quash the summon, dated 19.12.2020, with regard to the enquiry by the second respondent.

2. The case of the petitioner is that the petitioner is a Teacher. Since the husband of the petitioner introduced the third respondent to the said Dharmaraj, the husband of the petitioner, by name, Jayasuthan Chelliah undertook to pay a sum of Rs.2,25,000/- to the third respondent and he issued two cheques one for a sum of Rs.1,60,000/- and the other cheque for a sum of Rs.1,00,000/- for settlement of a Chit amount for one Dharmaraj. The husband of the petitioner has repaid the said amount, but, the third respondent did not return back the cheques.

3. The petitioner and the third respondent contested the Election in C.S.I Church, due to that motive, the third respondent filed a petition

before the second respondent in the year 2019. After a lapse of 3 years, the third respondent lodged a complaint before the second respondent and an enquiry was conducted before the second respondent. The second respondent police threatened the husband of the petitioner to pay a sum of Rs.2,25,000/- within a period of three months. That statement was obtained under coercion and undue influence and hence, the husband of the petitioner filed a petition in Crl.O.P.(MD)No.17577 of 2019.

4. After enquiry, on undertaking by both the parties to approach the Civil Court, the petition was closed by the second respondent. Again, the third respondent, filed another complaint with same set of facts, before the Deputy Superintendent of Police, Aruppukottai against the petitioner's husband and the petition was closed, directing the both the parties to approach the Civil Court.

5. The third respondent has given the same complaint for the third time before the second respondent and the second respondent issued summon on 18.12.2020. The petitioner has no Role in the said transaction. The dispute is between the husband of the petitioner and the third respondent. After closing two petitions, calling the petitioner for

enquiry is unwarranted. Intervention in money dispute by the second respondent is prohibited under the law and the summon is to be quashed.

6. On the side of the petitioner, it is stated that one Dharmaraj was running a Chit fund. The husband of the petitioner introduced the third respondent to the said Dharmaraj. Both the husband of the petitioner and the third respondent were members in the Chit. The petitioner is no way connected with the case. Already a complaint was lodged and enquiry was conducted and both the parties were advised to approach the Civil Court. After filing two complaints against the husband of the petitioner, the third respondent gave the third complaint against the petitioner and her husband and prayed the summon is to be quashed.

7. On the side of the prosecution, it is stated that the petitioner is a School Teacher. There is a money dispute between the parties. Husband of the petitioner promised to return the amount in six months. It was the wife, who gave assurance on behalf of the husband and that the money was handed over only to the petitioner. Without an investigation, it cannot be decided whether the petitioner is having involvement in the said transaction. After the husband of the petitioner gave a statement

undertaking to pay the amount, the petitioner, now cook up a new story. Only after the enquiry, whether the petitioner is having connection with the transaction, can be traced out and prayed the petition to be dismissed.

8. It is seen that the petitioner's husband, viz., Jeyasuthan Chellian appeared for enquiry and that he gave a statement promising to repay some amount. Whether the petitioner is having some connection in the transaction can be traced out only after the completion of the investigation. Summon was given in writing, as per the directions of this Court. It is the duty of the petitioner to co-operate the investigation.

9. Hence, this petition is dismissed. The respondent police is directed to proceed with the investigation in the proper manner adhering to the Rules and Regulations. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
Ls

31.03.2023

R.THARANI. J.

LS

To

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Inspector of Police,
Aruppukottai Police Station (Crime),
Aruppukottai, Virudhunagar.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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