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Crl.O.P.No.9518 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:23.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.9518 of 2024

1. Mrs.R.Chandra.
2. Mr.R.Arulselvam.
3. Mr.R.Tamilarasan.

... Petitioners

/versus/

The State Rep. by,

1. The Superintendent of Police,
District Police Office,
Tiruvarur,
Tiruvarur District.

2. The Deputy Superintendent of Police,
(District Crime Branch),
Office of the Deputy Superintendent of Police,
Tiruvarur and Post.
Tiruvarur District.

... Respondents

3. The Inspector of Police (District Crime Branch),
Tiruvarur and Post,
Tiruvarur District.

4. Mr.M.Mahalingam.

... Respondent/defacto complainant

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the 2nd and 3rd respondents not to harass the petitioners in any manner on the complaint of the 4th respondent herein.

For Petitioner : Mr.K.M.Subramanian



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For R1 to R3 : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to direct the 2nd and 3rd respondents not to harass the petitioners in any manner on the complaint of the 4th respondent herein.

2. The petition been given by the elder son against the mother and two brothers alleging that his income earned at Singapore were transferred to India and that money been utilised for purchasing the property in the name of the mother and brothers and when he came back to India, they refuse to give his property back. Though, it appears to be a civil dispute, a specific allegation been made that the money transferred to Bank were misappropriated by the mother and two brothers. Hence, the police has taken up the complaint for enquiry and summoned the petitioners to appear and participate in the enquiry. Instead of participating in the enquiry through Lawyer, the petitioners has sent a reply stating that it is purely a civil dispute. No doubt as stated above, apparently looks like a civil dispute but when some allegation of misappropriation been made in the complaint, the police also bound to verify whether there is any



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substance in the said complaint. That is the reason why precisely the police has not registered the F.I.R but summoned the party to appear and produce documents regarding the properties alleged to have purchased from out of the funds sent by the complainant.

3. This Court finds that this complaint cannot be just like that thrown out at the threshold without making any preliminary enquiry and therefore, the petitioners shall attend the enquiry on receipt of the summon and produce documents which are available with them. On scrutinising the documents, the Investigating Officer shall take appropriate decision and if it appears to be a civil dispute, the Investigating Officer should not interfere in the dispute. Unless and until, there is any criminality of misappropriation, the respondent police shall direct the parties to approach the Civil Court for appropriate remedy.

4. Recording the same, this Criminal Original Petition is disposed of.

23.04.2024

Index :Yes/No.
Neutral Citation :Yes/No.



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Copy to:-

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2. The Deputy Superintendent of Police,
(District Crime Branch),
Office of the Deputy Superintendent of Police,
Tiruvarur and Post.
Tiruvarur District.
3. The Inspector of Police (District Crime Branch),
Tiruvarur and Post,
Tiruvarur District.
4. The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.

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