



WEB COPY



CrI.O.P.No.18930 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.18930 of 2024

S.K.Jayaprakash

... Petitioner

Vs.

1.The State Rep.by
The Commissioner of Police,
Tambaram Commissioner Office,
Sholinganallur,
Chennai-600 119.

2.N.S.Suresh
The Inspector of Police,
Documents Fraud Wing-IV,
Central Crime Branch,
Tambaram Commissioner Office,
Sholinganallur,
Chennai-600 119.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the 2nd respondent not to harass the petitioner to settle the loan transaction has with complainant when the subject matter of dispute is seized in O.P.No.237 and 238 of 2023 by the IX Assistant City Civil Court, Chennai cum Special Court constituted under Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003

For Petitioner : Ms.G.S.Dhanalakshmi for
M/s.Om Sai Ram

For R1 : Mr.K.M.D.Muhilan
Government Advocate (CrI.Side)

ORDER



CrI.O.P.No.18930 of 2024

The petitioner herein alleging that the police under the guise of investigating the complaint given by one John and Thangamuthu harassing him to settle the money dispute, which is already the subject matter of the O.P.Nos.237 & 238 of 2023 on the file of the IX Assistant Judge, City Civil Court, Chennai.

2. The learned Government Advocate (CrI.Side) appearing for the respondent police submits that two complaints received from John and Thangamuthu alleging that the petitioner herein had cheated them promising lucrative return on the real estate. Therefore, the petitioner was summoned on 27.07.2024 for appearance and participate in the enquiry. The petitioner has not so far appeared for enquiry, however, this petition is filed as if the police has pressurizing him to settle the money dispute. The said allegations is not proved. The police wants to enquire about the content of the complaint and to find out whether any cognizable offence has been committed by the petitioner herein as alleged in the complaint. Before ensuring the veracity of the complaint received against the petitioner, police has not inclined to register the FIR, but the petitioner instead of participating in the enquiry had approached this Court.



Crl.O.P.No.18930 of 2024

3. This Court, on considering the submissions made by the learned Government Advocate (Crl.Side) that on receipt of the complaints against this petitioner, the police shall ensure to register the complaint and proceed. It is the duty of the petitioner herein to place all the records to show that there is no cognizable offence made out. Instead of appearing before the enquiry officer, the petitioner has rushed to this Court. It is suffice to direct the petitioner herein to appear before the 2nd respondent and produce all the documents, which is necessary to show that it is purely a money transaction. The 2nd respondent police shall look into the material including the pendency of the OPs against the complainant and take decision in accordance with law.

4. With the above direction, this Criminal Original Petition is disposed of.

07.08.2024

Index : Yes/No
Neutral Citation : Yes/No
rpl

Dr.G.JAYACHANDRAN,J.

rpl

To



CrI.O.P.No.18930 of 2024

1.The IX Assistant City Civil Court, Chennai cum Special Court
constituted under Tamil Nadu Prohibition of Charging Exorbitant Interest
Act, 2003

2. The Commissioner of Police,
Tambaram Commissioner Office,
Sholinganallur,
Chennai-600 119.

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

CrI.O.P.No.18930 of 2024

07.08.2024