



WEB COPY



Crl.O.P.No.19156 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM

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

Crl.O.P.No.19156 of 2024

S.Ramasamy

... Petitioner

Vs.

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

2.The Sub-Inspector of Police,
District Crime Branch,
Namakkal.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, to direct the 2nd respondent Police not to harass the Petitioners under the guise of enquiry.

For Petitioner : Mr.E.P.Senniyangiri

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

ORDER

A complaint been received by the police against the petitioner herein, land promoter who allegedly sold the plot No.29, Survey No.15/1C to two persons for double transaction of the same property. In this connection, the petitioner been called and the petitioner has given an



CrI.O.P.No.19156 of 2024

undertaking that he will provide different plot for the complainant within a period of 30 days and based on his undertaking, the police had not proceeded further registering case for cheating and other offences. While so, suppressing the fact, the petitioner is before this Court alleging that the police is harassing him under the civil transaction.

2. The complaint of double transaction of the same plot to two different persons was received, but the police has not proceeded further on the complaint based on the undertaking given by the petitioner that he will rectify his mistake within 30 days.

3. On perusing the record, this Court finds that it is appropriate for the respondent police to register the FIR and proceed against the petitioner if the same plot been sold by him to two different person. The remedy seeking protection cannot be granted if *prima facie* material available against the petitioner for commission of cognizable offence. Hence this Criminal Original Petition is dismissed.

09.08.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl



CrI.O.P.No.19156 of 2024

To
WEB COPY

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

2.The Sub-Inspector of Police,
District Crime Branch,
Namakkal.

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



WEB COPY



CrI.O.P.No.19156 of 2024

Dr.G.JAYACHANDRAN,J.

rpl

CrI.O.P.No.19156 of 2024

09.08.2024