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CrI.O.P.No.19682 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.19682 of 2024

Balathandapani

... Petitioner

/versus/

1. The State Rep. by,
The Inspector of Police,
Saravanampatty Police Station,
Coimbatore District.

2. Mr.Antony Praveen.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue direction to the 1st respondent herein not to harass the petitioner in the guise of enquiry upon the complaint of the third respondent.

For Petitioner : Mr.G.Magesh Kumar.

For R1 : Mr.S.Udaya Kumar.
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition is filed to issue direction to the 1st respondent herein not to harass the petitioner under the guise of enquiry upon



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the complaint of the second respondent.

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2. A complaint by one Jesu Rajkumar father of Antony Praveen alleging that the petitioner herein after purchasing the car had issued cheques and endorsed the document agreeing the sale consideration, but failed to pay the sale consideration.

3. Alleging that under the guise of enquiring on the complaint given by Jesu Rajkumar father of Antony Praveen, the police forcing him to hand over the car bearing Reg.No.TN-66-AD-5314. In the petition to quash, it is stated that the car was sold by Antony Praveen for Rs.6,80,000/- misrepresenting that the vehicle ran one lakh kilometres only. After payment, name transfer of the vehicle was effected. Thereafter, the cheques and pro-note given as security to the 2nd respondent not returned. Hence, suit is pending before the Principal District Munsif, Coimbatore. In this regard, the complaint given against Jesu Rajkumar the father of the 2nd respondent registered under C.S.R No.843 of 2024 was closed directing the parties to work out the remedy before the Civil Court despite that the respondent police calling him to hand over the vehicle. While so, claiming that 2nd respondent has given a complaint, the first respondent threatening to return the car to the 2nd respondent.



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4. The Government Advocate (CrI.Side) for the respondent states

that the earlier complaint registered in C.S.R.No.843 of 2024 closed directing the parties to work out the remedy before the Civil Court. Further, the complaint by Jesu Rajkumar to the Superintendent of Police indicating that the car was entrusted to the petitioner on his inducement and promise to pay the sale consideration but failed to pay the same. The said complaint is under investigation for not paying the sale consideration and cheating. The presence of the petitioner is required for investigation. The first respondent never compelled the petitioner to return the car to the second respondent.

5. On perusing the record, this Court finds that there is no element of harassment as alleged. The petitioner should appear for investigation/enquiry on receipt of the summons for the respondent police to conduct the enquiry in the manner known to law and dispose of the complaint given by Jesu Rajkumar.

6. With this observation, this Criminal Original Petition is disposed of.

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Index : Yes/No.
Neutral Citation : Yes/No.
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Dr.G.JAYACHANDRAN, J.

bsm

To:-

1. The Inspector of Police, Saravanampatty Police Station, Coimbatore District.
2. The Public Prosecutor, High Court of Madras, Chennai.

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