



WEB COPY



Crl.OP.No.20459 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.20459 of 2024

Mohideen Abdul Kader

... Petitioner

Vs.

The Inspector of Police,
(Crime)
P-6. Kodungaiyur Police Station,
Chennai-600 118.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, to direct the respondent herein not to harass the petitioner on the guise of enquiry.

For Petitioner : Mr.S.Madhusudanan

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

On a complaint given by one Senthil alleging that during the business transaction with the petitioner herein, the petitioner has cheated a sum of Rs.38,00,000/- and therefore, the same be recovered and handed



CrI.OP.No.20459 of 2024

over to him. Based on the complaint, the respondent police has registered a case in C.S.R.No.1153 of 2024 and summoned the petitioner herein for enquiry.

2. Contending that it is purely a civil dispute regarding money transaction been given a criminal colour, the police is forcing the petitioner to repay the money immediately, the present petition is filed.

3. The learned Government Advocate (Crl.side) appearing for the respondent police submits that the complaint of cheating been registered on the complaint given by Senthil, To enquire whether the alleged cheating been taken up, the petitioner was issued summon under Section 41A of Cr.P.C for appearance on 23.07.2024. The petitioner herein has appeared before the Investigating Officer on 24.07.2024 and promised to produce the receipts regarding transaction, but he did not turn up on 27.07.2024. Hence, fresh summon been issued to him. Then also he did not appear. If he appears before the respondent police and able to produce documents which would indicate pure civil dispute and not cheating, the respondent police will record the same and close the complaint.



CrI.OP.No.20459 of 2024

4. In the light of the above facts, since the petitioner has not participated in the enquiry, the police is not in a position to decide whether the complaint has any trapping of cognizable offence or not. Hence, the petitioner is directed to appear before the Investigating Officer on 30.08.2024 and produce documents to show that he and the complainant Senthil had business transaction and there is no element of cheating. In the said transaction, on such production of documents, police shall take appropriate decision in accordance with law.

5. With the above directions, this Criminal Original Petition is disposed of.

23.08.2024

Vv

To

1. The Inspector of Police,
(Crime)
P-6. Kodungaiyur Police Station,
Chennai-600 118.

2. The Public Prosecutor,
High Court of Madras.



WEB COPY



CrI.OP.No.20459 of 2024

Dr.G.JAYACHANDRAN,J.

Vv

CrI.OP.No.20459 of 2024

23.08.2024