



WEB COPY



CrI.O.P.No.22720 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

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

CrI.O.P.No.22720 of 2024

J.Anathamercin

... Petitioner

Vs.

1.The Superintendent of Police,
Kallakurichi.

2.The Deputy Superintendent of Police,
Kallakurichi

3.The Inspector of Police,
District Crime Branch,
Kallakurichi

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleaded to direct the respondents not to harass the petitioner except due process of law pursuant to the representation dated 02.08.2024 given to the respondents.

For Petitioner : Mr.M.Simon Jeyakumar

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

ORDER

The petitioner herein seeks protection from respondent police being harassed on the complaint given by one Antonydass.



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2. According to the petitioner, there was money transaction between the petitioner and the said Antonydass. The petitioner borrowed Rs.5.5 lakhs from the Antonydass to meet out her emergency need. The said amount was duly repaid to the complainant. However claiming that as if he has paid Rs.42 lakhs on the promise to invest in the business. A false complaint been given by the Antonydass initially before Tirunelveli CCB, which was closed and later the Superintendent of Police, Villupuram, that was also closed. The 3rd complaint is before Kallakurichi police with the same set of facts.

3. The learned Government Advocate (CrI.Side) appearing for the respondent police states that enclosing proof of payment through bank, complaint is received by the respondent police that the petitioner herein has cheated the complainant to the tune of Rs.42 lakhs. Earlier complaint with the same set of facts given to the Tirunelveli CCB was returned, since the petitioner, who is in Army, had requested that he will pursue the matter in his home district. Later the complaint to the Villupuram police also been closed for the same reason. Hence, the other two Investigating Officers have not gone into the merits of the case. The respondent police herein thought fit to summon the petitioner herein to



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enquire the matter whether the allegations made by the Antonydass is true or not, the petitioner herein summoned to appear on 31.07.2024.

However, he did not appear. If the petitioner appear and produce the documents explaining satisfactorily that the transaction was purely a money transaction and not an act of cheating as alleged in the complaint, same will be considered. The complaint will be decided in accordance with law and proceed on the documents produced.

4. In the light of the above facts, the petitioner herein is directed to appear before the 3rd respondent on or before 30.10.2024 and participate in the enquiry. Based on the material collected in the course of enquiry, the respondent police shall proceed in accordance with law. Accordingly, this Criminal Original Petition is disposed of.

13.09.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Superintendent of Police,
Kallakurichi.

Dr.G.JAYACHANDRAN,J.



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2. The Deputy Superintendent of Police,
Kallakurichi

3. The Inspector of Police,
District Crime Branch,
Kallakurichi

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

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