



Crl.OP.No.22710 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.OP.No.22710 of 2024

A.Sulthan

... Petitioner

Vs.

The Inspector of Police,
Erumapatty Police Station
Namakkal District

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to direct the respondent police not to harass
the petitioner under the guise of enquiry.

For Petitioner : Mr.Venkatesh. U

For Respondent : Mr.S.Udaya Kumar,
Govt. Advocate(Crl. Side)

ORDER



This Criminal Original Petition is filed to direct the respondent police not to harass the petitioner under the guise of enquiry.

2. The contention of the petitioner is that he is an engineering graduate and working as a building contractor. He was entrusted with the work of constructing a house for one Ibrahim. After entrusting the work to the petitioner, the said Ibrahim left for Kuwait, and his wife was looking after the construction work. After interacting with Ibrahim's wife, the petitioner completed the entire construction work. Thereafter, a dispute arose regarding the construction work. Earlier, at the time of commencement of work, an unfilled promissory note as a security was obtained from the petitioner by the said Ibrahim. After the completion of construction work, the petitioner requested Ibrahim's wife to return the said promissory note. She informed the petitioner that as soon as Ibrahim returned from Kuwait, the same would be returned.

3. Later, when Ibrahim came to India, the petitioner questioned about the promissory note. However, instead of returning the promissory note, Ibrahim, with the help of his mother Mumtaz, registered a complaint against the petitioner. Prior to the registration of the CSR, the petitioner was forcibly



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taken by the Sub Inspector of Police, to the police station on 12.08.2024, where an undertaking was obtained from him, stating that a sum of Rs.2,96,000/- was due and payable to Mumtaz. Additionally, they forcibly obtained a sum of Rs.84,000/- from him and took another undertaking that the balance amount would be paid by 19.08.2024. Thereafter, the petitioner addressed a letter dated 19.08.2024 to the higher police officials of the entire facts and events, including the undertaking forcefully obtained from him. Immediately after receiving the said letter, to overcome the procedural irregularities committed and with an intent to further harass the petitioner, the respondent police registered a case against the petitioner and assigned CSR No. 279/24. The petitioner further apprehends that a civil dispute has been given a criminal color and that the police are acting as collection agents at the behest of Mumtaz.

4. The learned Public Prosecutor submitted that the respondent police issued summons on 30.08.2024 to the petitioner, calling upon him to appear before them. The petitioner, after receiving the summons, appeared before the respondent police on 31.08.2024 and gave an undertaking to settle the issue.

5. Recording the same, the above Criminal Original Petition stands



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disposed of. The respondent police are directed to take appropriate steps regarding CSR No.279/24 in accordance with law. It is made clear that the Petitioner shall not be harassed any further. No costs.

18.09.2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
(shr)

To

The Inspector of Police,
Erumapatty Police Station,
Namakkal District.

M.NIRMAL KUMAR, J.,

(shr)



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