



WEB COPY



CrI.O.P.No.22596 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.22596 of 2024

1.R.Navaneetham
2.R.Madhushekar

... Petitioners

Vs.

State by
The Inspector of Police,
R-10, M.G.R.Nagar Police Station,
Chennai-78

... Respondent

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

For Petitioners : Ms.S.Santhi

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

ORDER

The petitioners are mother and son. The predeceased son of the 1st petitioner had borrowed loan by mortgaging the property issued in the name of the 1st petitioner, in which, the 2nd petitioner and the deceased son had share. For non payment of due, the property was brought to



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auction by the bank. At that time one Dhanush had offered to buy the property and cleared the loan. The petitioners have agreed and received the sale consideration of about Rs.50 lakhs, but had refused to vacate the premises after the property got free from encumbrance. Hence the said Dhanush had given a complaint. On his complaint, the petitioners were called for enquiry.

2. To counter blast the said complaint, the 1st petitioner as well as the 2nd petitioner had given a complaint to the higher officials stating that it is purely civil dispute, but the police is troubling them under the guise of enquiry. In this connection, summons was issued to the 1st petitioner for appearance, for which, the 1st petitioner has not responded. The complaint of the 2nd petitioner been enquired and the 2nd petitioner has given an undertaking to the police that they will work out the remedy before the civil Court and the same has been recorded and closed.

3. Under the said circumstances, the police wants to examine the petitioners herein in respect of the complaint given by one Dhanush, who alleged that by deceit, he was forced to part away around Rs.50 lakhs to the petitioners herein on the promise that the property will be handed over to him and had duly executed a sale deed on 06.08.2023. The police has called these petitioners for enquiry. Alleging that the



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police is enquiring the civil dispute and harassing, the present petition is filed. However, facts of the case as found in the record indicates that these two petitioners have received substantial amount from the complainant Dhanush and also executed the sale deed in his favour, years ago.

4. The learned counsel appearing for the petitioners states that the possession of the property already handed over to Dhanush and he is residing in that place.

5. However, it is a matter for enquiry, the police has to enquire about the fact and they cannot be keep their hand away on the illusionary defence that it is a civil dispute. Therefore, this Criminal Original Petition is dismissed as devoid of merit. The petitioners are supposed to participate in the enquiry and produce the documents in their favour and substantiate their innocence.

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Index : Yes/No
Neutral Citation : Yes/No
rpl

Dr.G.JAYACHANDRAN,J.

rpl



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To

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1.The Inspector of Police,
R-10, M.G.R.Nagar Police Station,
Chennai-78

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

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