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Crl.O.P.No.24178 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

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

Crl.O.P.No.24178 of 2024

1.S.Ramasamy
2.Tamilmani

... Petitioners

Vs.

1.The Superintendent of Police,
Namakkal District,
Namakkal

2.The Sub Inspector of Police,
District Crime Branch,
Namakkal

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleaded to direct the 2nd respondent police not to harass the petitioners.

For Petitioners : Mr.E.P.Senniyangiri

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

ORDER

The petitioner herein had promoted a piece of land in the name of Samayapuram Mariamman Nagar at Marukalampatti, had sold same plot to two persons, one of the sale deed dated 07.04.1999 and another sale deed dated 06.05.2002.



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2. Having found that there are dual sale by the promoter, one Sengodan through whom the first sale was made, has given a complaint and in this connection, the police has summoned the petitioners herein to appear for enquiry. The petitioners had failed to appear on 23.09.2024 and had come to this Court alleging that a purely civil dispute given criminal colour and the second complaint for the same purpose.

3. The learned Government Advocate (CrI.Side) appearing for the respondent police states that the complaint petition is pending enquiry, for which, the petitioners were summoned to appear, but they failed to appear on 23.09.2024. Hence the second summon now issued for their appearance on 05.10.2024. If the petitioners furnish the documents to show that it is a civil dispute, police will record the same and dispose the complaint. Instead of, the petitioners have come to this Court alleging that police is interfering in the civil dispute. If the sale of same plot to two different persons is made with deliberate intention of cheating, then the police has every right to enquire the matter and proceed for commission of offence of cheating.

4. This Court, after perusing the records and the submissions



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made by the counsels, disposed the Criminal Original Petition with direction that the petitioners shall appear before the Investigating Officer on 05.10.2024 as per the summons and produce all the documents. The respondent police shall peruse the records and take further action as per the records.

01.10.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Superintendent of Police,
Namakkal District,
Namakkal

2.The Sub Inspector of Police,
District Crime Branch,
Namakkal

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

Dr.G.JAYACHANDRAN,J.

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