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Crl.O.P.No.27261 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM :

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.27261 of 2024

M.Thirumal

... Petitioner

Versus

1.The State rep. by
The Superintendent of Police,
Krishnagiri District – 635 001.

2.The Inspector of Police,
Uthangarai Police Station,
Uthangarai,
Krishnagiri District – 635 207.

3.V.Senthilkumar

... Respondents

PRAYER : Criminal Original Petition filed under Sections 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to issue an order directing the
respondents not to harass the petitioner during the course of the investigation
based on the complaint filed by the 3rd respondent having Complaint
No.H2/2615/Sp-Griev/2024, dated 05.10.2024.



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For Petitioner : Mr.R.Nandakumar

For RR 1 & 2 : Mr.S.Udayakumar
Government Advocate (Crl. Side)

ORDER

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This petition has been filed seeking a direction to the respondent police not to harass the petitioner during the course of the investigation based on the complaint filed by the 3rd respondent having Complaint No.H2/2615/Sp-Griev/2024, dated 05.10.2024.

2.The learned counsel for petitioner submitted that for a civil transaction, notice under Section 179 of Bharatiya Nagarik Suraksha Sanhita (BNSS) issued by the respondent police. It is purely a civil dispute. There was an agreement between the petitioner and the third respondent. It was agreed to sell the property at the rate of Rs.19,00,000/- per Acre and the third respondent paid an advance of Rs.5,00,000/- on 23.11.2023. The third respondent also undertook to complete the sale agreement within a period of three months. Thereafter, he had not complied with. According to the



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petitioner, time is the essence of the agreement. The petitioner sent a legal notice to the third respondent reminding time limit. Thereafter too, the third respondent not complied with the sale agreement. If at all the third respondent is aggrieved he has to file a civil suit. He further submitted that due to the non completion of sale agreement, the petitioner has to suffer. He purchased another property by taking loan from others.

3.The learned Government Advocate (Crl. Side) submitted that the petitioner's claim on the face of it appears to be a civil transaction. It is seen that petitioner received Rs.5,00,000/-, thereafter, he had not executed sale deed. Petitioner now sold the property to another third person, which was agreed to be sold to the third respondent and received the entire sale consideration. The petitioner now taking emergence in the time essence not paying the advance amount. It is according to the third respondent is cheating. The third respondent approached the petitioner several time and sought oral extension that is the statement given during enquiry. For that



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reason only notice was issued.

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4.The learned counsel for petitioner at this juncture submits that the petitioner would appear before the respondent police and give his explanation.

5.In view of the same, the petitioner to appear before the second respondent police on 04.11.2024 at 10.30 a.m. without fail.

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

30.10.2024

Index : Yes / No

Internet : Yes/No

Speaking / Non-speaking order

Neutral citation : Yes/No

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To



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- 1.The Superintendent of Police,
Krishnagiri District – 635 001.
- 2.The Inspector of Police,
Uthangarai Police Station,
Uthangarai,
Krishnagiri District – 635 207.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

rsi

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