



CrI.O.P.(MD) No.1034 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.1034 of 2024

Senthilkumar

... Petitioner

Vs.

State rep. by its:

1.The Commissioner of Police,

Trichy City, Trichy.

2.The Inspector of Police

City Crime Branch Police Station,

Trichy City.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second Respondent not to harass the Petitioner under the guise of enquiry by considering the Petitioner's representation, dated 12.01.2024.

For Petitioner

**: Mr.K.Subash Babu, Senior Counsel
for M/s.Subash Law Office**

For Respondents

**: Mr.M.Veeranthiran
Government Advocate (Crl.side)**

**For Defacto complainant : Mr.M.Ajmal Khan,
Senior Counsel**



Crl.O.P.(MD) No.1034 of 2024

ORDER

WEB COPY

The learned Senior Counsel for the Petitioners submits that the Petitioner had filed this Petition to direct the second Respondent not to harass the Petitioner under the guise of enquiry.

2. The learned Senior Counsel for the Petitioner submits that the Petitioner had entered into sale agreement with one Mohamed Rafiq. Subsequently, there was a police case, based on the complaint of Mohamed Rafiq preferred a complaint against one Muruganandam and 13 other persons. Based on the complaint of Mohamed Rafiq, the Respondent Police had registered a case in Crime No.2 of 2024. Subsequently, the Respondent Police had without issuing any summons, directed the Petitioner to handover the amount received from Accused Nos.1 and 3. The Petitioner is no way connected with the criminal activities. Therefore, the Petitioner was not ready and willing to handover money as directed by the Respondent Police. Only after that, he had approached this Court by filing this Petition not to harass the Petitioner.



CrI.O.P.(MD) No.1034 of 2024

WEB COPY

3. The learned Government Advocate (Criminal Side) on instructions of the Respondent Police submits that based on the confession of the Accused Nos.1 and 3, the Petitioner herein cheated the amount of Rs.1,50,80,000/- (Rupees One Crore Fifty Lakhs and Eighty Thousand only).

4. The learned Senior Counsel for the Defacto complainant in Crime No.2 of 2024, viz., Mohamed Rafiq, offers that the Petitioner can deposit the amount that he admitted to have received Rs.1,27,70,000/- (Rupees One Crore Twenty Seven Lakhs Seventy Thousand only) on the file of the learned Judicial Magistrate No.I, Trichy, in Crime No.2 of 2024.

5. The learned Senior Counsel for the Petitioner seeks time since he received the amount in the year 2021, now three years has passed, he needs time to mobilise the funds.

6. On the undertaking given by the learned Senior Counsel for the Petitioner and the learned Senior Counsel for the Defacto complainant,



Crl.O.P.(MD) No.1034 of 2024

the Petitioner is directed to deposit the admitted amount of Rs.1,27,70,000/- (Rupees One Crore Twenty Seven Lakhs Seventy Thousand only), to the credit of Crime No.2 of 2024, on the file of the learned Judicial Magistrate No.I, Trichy, within a period of eight weeks from today.

7. On such deposit, the Defacto complainant is permitted to withdraw the amount from the Magistrate Court directly.

8. With the above directions, this Criminal Original Petition is allowed.

Internet :Yes./No
Index :Yes/No
NCC : Yes/No
LS

19.02.2024



Crl.O.P.(MD) No.1034 of 2024

To
WEB COPY

- 1.The Commissioner of Police,
Trichy City,
Trichy.
- 2.The Inspector of Police
City Crime Branch Police Station,
Trichy City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Judicial Magistrate No.I,
Trichy.



WEB COPY



Crl.O.P.(MD) No.1034 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

LS

CRL.O.P (MD) No.1034 of 2024

19.02.2024