



CrI.O.P.(MD) No.1980 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P. (MD) No.1980 of 2024

Arbutharaj

... Petitioner

vs.

1.The Superintendent of Police

Thanjavur, Thanjavur District.

2.The Inspector of Police

**Tamil University Police Station,
Thanjavur District.**

3.Gnanamani

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, directing the second Respondent not to harass the Petitioner under the guise of enquiry without due process of law on basis of the Petitioner's complaint dated 04.02.2024.

For Petitioner : Mr.G.Hariharan

**For R1 & R2 : Mr.M.Veeranthiran
Government Advocate (Criminal Side)**



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ORDER

The learned Counsel for the Petitioner submits that this Criminal Original Petition has been filed to direct the second Respondent not to harass the Petitioner under the guise of enquiry.

2. The learned Counsel for the Petitioner submits that the Petitioner is working as realstate broker and he is alleged to have acted as Mediator for purchase of a house site for the third Respondent. The third Respondent, after the purchase of the property, has paid a sum of Rs.3,00,000/-. It is the case of the defacto complainant / third Respondent that some third parties trespassed into the property and attempted to interfere with the peaceful possession of the Plot. Therefore, he had lodged a complaint with the second Respondent. In the complaint, he had not mentioned about the name of persons, who have attempted to interfere and trespass into the property. While so, the Respondents 1 and 2 are harassing the Petitioner by summoning him often, which forced the Petitioner to move this Criminal Original Petition, seeking direction against the Respondents 1 and 2 not to harass him.



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3. The learned Government Advocate (Criminal Side), on instructions of the Respondent Police, submits that the third Respondent / defacto complainant had paid Rs.3,00,000/- to the Petitioner herein for helping in purchase of the property, which is the broker charges. The Petitioner herein is alleged to have not shared the brokerage with the other brokers, who were involved in the transaction. Therefore, they had approached him for payment of their dues, which forced the third Respondent, to register the complaint to the second Respondent. Further, the learned Government Advocate (Criminal Side) submits that the Respondents 1 and 2 are ready to abide by the circular of the Director General of Police / Head of State Police Force, Tamil Nadu State, Chennai -4 issued in Rc.No.892914/X1/2020 dated 12.03.2021 and the circular of the Additional Director General of Police, Chennai, issued in C.No. 18/ADGP/L & O/Camp/2024 dated 09.01.2024 amp/2024 dated 09.01.2024.

4. Recording the submissions of the learned Government Advocate (Criminal Side), the Respondents 1 and 2 are directed if they



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require the presence of the Petitioner, summons may be issued to the Petitioner specifying the date and time as per the guidelines issued by the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***(2014) 2 SSC 1*** and ***Arnesh Kumar Vs. State of Bihar and another [2014 (8) SCC 273]***, . The Respondent Police are directed not to summon the Petitioner by calling him at odd hours, without issuing any summon.

5. With the above said directions, this ***Criminal Original Petition*** is disposed of.

09.02.2024

Internet:Yes/No
Index:Yes/No
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To

- 1.The Superintendent of Police
Thanjavur,
Thanjavur District.
- 2.The Inspector of Police
Tamil University Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

LS

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