



CrI.O.P.(MD) No.3137 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2024

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3137 of 2024

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...Petitioner

VS

**1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.**

**2.The Deputy Superintendent of Police,
District Crime Branch,
O/o. S.P.Office Campus,
Ramanathapuram**

**3.The Inspector of Police,
District Crime Branch,
O/o. S.P.Office Campus,
Ramanathapuram**

4.Purselva Ganapathi

...Respondents

**PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying, to direct the 2nd and 3rd Respondent not to harass the Petitioner
under the guise of enquiry.**



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For Petitioner : Mr.S.A.Ajmal Khan

For R1 to R3 : Mr.M.Veeranthiran
Government Advocate (CrI.side)

For R4 : Mr.G.Kasinathadurai

ORDER

The learned Counsel for the Petitioner submits that the Petitioner is working as Veterinary Doctor. He had gone to attend Hindi classes, wherein he came familiar with the fourth Respondent. The fourth Respondent's mother sought professional help of the Petitioner to start a business. He advised her to consider Goat Rearing Industry as a successful business, for which she wanted the property. The Petitioner suggested a land to an extent of 40 cents. The fourth Respondent's mother had purchased the property based on the Petitioner's advise. The Petitioner sought commission, for which there had been dispute. The fourth Respondent is alleged to have given a complaint to the third Respondent, based on which the third Respondent contacted the Petitioner on mobile phone and directed him to appear before the third Respondent. Therefore, the Petitioner was forced to file this Petition.



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2. Already, the fourth Respondent had given similar complaint to the Bazaar Police Station, Ramanathapuram. After due enquiry. On 08.02.2024, the Petitioner appeared and thereafter, it was closed. Subsequently, with an ulterior motive only to harass the Petitioner, the fourth Respondent had approached the third Respondent. Therefore, the third Respondent is contacting the Petitioner on mobile phone unnecessarily at odd hours. Therefore, the Petitioner had sought directions against the third Respondent not to harass him.

3. The learned Counsel for the fourth Respondent would submit that the fourth Respondent's mother had approached the Petitioner for advise. He had advised her to Goat Rearing as a profession, for which she required land. The Petitioner is alleged to have suggested the land, for which the mother of the fourth Respondent, Ganeswari paid Rs.5,00,000/- as an advance to the Petitioner. Instead of paying the amount to the land owner, the Petitioner issued document, as though the owner of the land had executed the sale agreement deed in favour of the Petitioner herein. Subsequently, the mother of the fourth Respondent approached the landlord



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and executed the sale deed, but the amount already paid to the Petitioner for payment to the land owner was not paid by him to the landlord. Therefore, the mother of the fourth Respondent sought the money back. Since he refused to pay, the mother of the fourth Respondent approached the third Respondent. Only based on the complaint of the fourth Respondent, the third Respondent had summoned the Petitioner.

4.The learned Government Advocate (CrI.side), on instructions of the Respondents, submits that the third Respondent summoned the Petitioner and the mother of the fourth Respondent. They appeared, in which the Petitioner is alleged to have undertaken to repay Rs.12,00,000/- to the mother of the fourth Respondent, but he did not sign the current paper. Since the Petitioner left without signing the document, the current paper is kept pending. He would further submit that there is a sale deed dated 03.11.2023. He undertakes to conduct detailed enquiry and pass appropriate orders.

5.In the light of the submissions made by the learned Counsel for the Petitioner, the learned Government Advocate (CrI.side) and the learned



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Counsel for the fourth Respondent, the Respondents 1 to 3 are directed to act as per 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. Also, the Respondents 1 to 3 shall act as per the reported ruling of the Hon'ble Supreme Court in ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***(2014) 2 SSC 1*** and the case of ***Arnesh Kumar Vs. State of Bihar and another*** reported in ***2014 (8) SCC 273*** by issuing summons specifying the date and time for appearance of the Petitioner as well as the fourth Respondent. The Respondents 1 to 3 are also directed not to harass the Petitioner by disturbing him at odd hours.

With the above directions, this Criminal Original Petition is closed.

Internet: Yes./No

28.02.2024

Index: Yes/No

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To

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

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- 2.The Deputy Superintendent of Police,
District Crime Branch,
O/o. S.P.Office Campus,
Ramanathapuram
- 3.The Inspector of Police,
District Crime Branch,
O/o. S.P.Office Campus,
Ramanathapuram
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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