



Crl.O.P.(MD) No.3431 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3431 of 2024

R.Thangapandiyan

...Petitioner

VS

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

**2.The Inspector of Police,
District Crime Branch,
Dindigul District.**

3.S.D.Thayalan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct first and second Respondents not to harass the Petitioner under the guise of enquiry on the basis of Petitioner's representation, dated 27.02.2024.

**For Petitioner : Mr.C.M.Ganesan
For R1 and R2 : Mr.M.Veeranthiran
Government Advocate (crl.side)**



Crl.O.P.(MD) No.3431 of 2024

WEB COPY

ORDER

The Criminal Original Petition had been filed seeking a direction against the first and second Respondents not to harass the Petitioner under the guise of enquiry on the basis of the Petitioner's representation, dated 27.02.2024.

2.The learned Counsel for the Petitioner submitted that the Petitioner and the third Respondent were partners in the business. They were running the business in the name of Aadya Traders at Subbaiyangoundar Pudur, Pollachi Taluk. They were dealing with kunguly trees (Eucalyptus trees). In the due course of business, there had been losses. Therefore, there were disputes between them. Under those circumstances, the third Respondent had given a false complaint to the second Respondent. Based on the complaint given by the third Respondent, the second Respondent had been frequently conducted the Petitioner and directing him to furnish pronote and cheques to satisfy the Complainant. It is the contention of the learned Counsel for the Petitioner that the Petitioner was supplying raw materials, Kunguli trees. The interference by the second Respondent in a civil dispute



CrI.O.P.(MD) No.3431 of 2024

is objectionable in the light of the circular of the Director General of Police, Tamil Nadu/Head of State Police Force, Chennai-4, in C.No. 18/ADGP/L&O/Camp/2024. Therefore, he seeks a direction against the Respondents 1 and 2.

3.The learned Government Advocate (crl.side), on instructions from the Respondent Police, submitted that District Crime Branch-II, Dindigul, deals with land grab only. The complaint of the third Respondent was forwarded to the District Crime Branch-I, Dindigul, on 19.02.2024. He further submitted that the third Respondent had paid a sum of Rs.30,00,000/-, out of which, Rs.26,00,000/- was paid through bank transaction to the Petitioner for supply of kunguli trees for extraction of oil. After receipt of the money, the Petitioner had not supplied the raw materials, as was entered in the contract between the third Respondent and the Petitioner. Therefore, the complaint given by the third Respondent is pending with the Inspector of Police, District Crime Branch-I, Dindigul.

4.Also, the learned Government Advocate (crl.side), on instructions of the Respondent Police, submitted that the Petitioner may appear before



Crl.O.P.(MD) No.3431 of 2024

the Inspector of Police, District Crime Branch-I, Dindigul and undertakes to close the complaint and pass appropriate orders.

5.Considering the submission of the learned Counsel for the Petitioner and the learned Government Advocate (crl.side), it is found that the case involves civil as well as criminal offences. When the Petitioner had received money through bank transactions, he is duty bound to supply raw materials. When the raw materials had not been supplied, it amounts to attracting offences under IPC for which, instead of straight away registering a case, the Respondent Police is within their power to hold preliminary enquiry, as per the report Rulings of Hon'ble Supreme Court in ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***(2014) 2 SSC 1*** and ***Arnesh Kumar Vs. State of Bihar and another*** reported in ***2014 (8) SCC 273***. Before ever registering an FIR, the Investigation agency within their discretion can conduct a preliminary enquiry. Therefore, the Petitioner cannot seek a direction not to harass.

6.Considering the submission of the learned Government Advocate (Crl.side.) that they will conduct an enquiry and close the enquiry, the



CrI.O.P.(MD) No.3431 of 2024

Inspector of Police, District Crime Branch-I, Dindigul, is directed to issue summons specifying the date and time for appearance of the Petitioner, as per the reported rulings of the Hon'ble Supreme Court in ***Lalitha Kumari Vs. Government of Uttar Pradesh*** reported in ***(2014) 2 SSC 1*** and ***Arnesh Kumar Vs. State of Bihar and another*** reported in ***2014 (8) SCC 273***. Under no circumstances, they can demand promisory note and cheque from the Petitioner herein, since it involves civil dispute. The Petitioner, as a citizen of this country, has to co-operate with the pending investigation, offer his explanation and also express his apprehension regarding the threat held out by the third Respondent. The third Respondent has to approach the civil Court for appropriate relief.

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

Internet :Yes/No
Index :Yes/No
NCC :Yes/No

05.03.2024

cmr



Crl.O.P.(MD) No.3431 of 2024

To

WEB COPY

- 1.The Superintendent of Police,
Dindigul, Dindigul District.
- 2.The Inspector of Police,
District Crime Branch,
Dindigul District.
- 3.The Inspector of Police,
District Crime Branch-I, Dindigul,



WEB COPY



Crl.O.P.(MD) No.3431 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

cmr

CRL.O.P(MD)No.3431 of 2024

05.03.2024