



CrI.O.P.(MD) No.3436 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.3436 of 2024

Abdul Azeez

...Petitioner

VS

**1.The Inspector General of Police,
Madurai South Zone, Madurai.**

**2.The Superintendent of Police,
Sivagangai District, Sivagangai.**

**3.The Assistant Superintendent of Police,
Karaikudi, Sivagangai District.**

**4.The Inspector of Police,
North Police Station,
Karaikudi, Sivagangai.**

5.Ilayaraja

6.Sahul Hameed @ Siddiq

...Respondents

**PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying, to direct the Respondents not to harass the Petitioner and his family
members under the guise of enquiry.**



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For Petitioner : Mr.A.Abdul Wahab
For R1 to R4 : Mr.M.Veeranthiran
Government Advocate (crl.side)

ORDER

The Criminal Original Petition had been filed seeking a direction against the Respondents not to harass the Petitioner and his family members under the guise of enquiry.

2.The learned Counsel for the Petitioner submitted that the Petitioner was engaged by the sixth Respondent, who is a neighbour in Karaikudi and known to him for a quite long time. The sixth Respondent had engaged the Petitioner, who is a Diploma holder in Civil Engineering, to put up a construction for the sixth Respondent. Accordingly, the Petitioner had engaged in the construction activities. As per the contract between the Petitioner and the sixth Respondent, the Petitioner had proceeded with the construction work till there was a dispute between them for purchase of materials as well as labour cost. At that stage, the sixth Respondent had almost spent Rs.18,60,000/-. For the remaining expenses, when the



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Petitioner sought the sixth Respondent, he failed to help to complete the construction. At that stage, the Petitioner left it and also he sought employment elsewhere. Fortunately, he has got job in Qatar and left India.

3.He would further submit that in the absence of the Petitioner, the sixth Respondent is alleged to have given a complaint to the fourth and fifth Respondents. Now, the Petitioner had returned to India on vacation. When he is available in Karaikudi, the Respondent Police had been harassing him on the pretext that the Petitioner herein had to settle the claim of six lakhs, It is the contention of the learned Counsel for the Petitioner that the dispute between the Petitioner and the sixth Respondent is a civil dispute. As per the Petitioner's case, there is only a dispute for Rs.2,00,000/- towards purchase of materials and labour cost. Instead of the same, it has been converted into a criminal case by which the Respondent Police are alleged to have threatened the Petitioner that if he does not settle the dues to the sixth Respondent, an FIR will follow, in which case, the Petitioner will not leave this country for his job in Qatar, which force the Petitioner to approach this Court.



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4.The learned Government Advocate (crl.side), on instructions from the Respondent Police, submitted that based on the complaint of the sixth Respondent, C.S.R.No.183 of 2024, dated 17.02.2024 had been registered and based on the complaint of the Petitioner, current paper was registered on 24.02.2024. The learned Government Advocate (crl.side), undertakes that the Respondents Police had taken the complaint of the Petitioner and the sixth Respondent and conduct an enquiry and 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, they will conclude the enquiry.

5.Recording the submission made by the learned Government Advocate (crl.side), the Respondents Police are directed not to register any case based on civil dispute, as it amounts to violation 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, which will result in disciplinary proceedings. They warned accordingly.



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

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

05.03.2024

cmr

To

- 1.The Inspector General of Police,
Madurai South Zone, Madurai.
- 2.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 3.The Assistant Superintendent of Police,
Karaikudi, Sivagangai District.
- 4.The Inspector of Police,
North Police Station,
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SATHI KUMAR SUKUMARA KURUP, J.

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