



Crl.O.P.(MD)No.10958 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.10958 of 2024

1. Jones Alexander

2. Muthu Kaaleeswaran

... Petitioners

Vs

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Thiruppalai Police Station, Madurai.

3.Anandha Kumar

4. Selambarasan

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent not to harass the petitioners on the basis of the their representation dated, 11.07.2024.

For Petitioner
For R1 & R2

: Mrs. A.Banumathy,
: Mr.P.Kottaichamy
Government Advocate (Crl.side)



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ORDER

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The petitioners namely, Jones Alexander and Muthu Kaaleeswaran have approached this Court seeking a direction to the second respondent not to harass them, on the complaint of the third respondent.

2.The learned counsel appearing for the petitioners submits that the third respondent has made a request to these petitioners to arrange some loan by mortgaging his Fortuner Car, bearing Registration No. TN 59CQ 5005. The petitioners have also arranged the same with the fourth respondent. The fourth respondent, after receiving the Car, RC Book and a Promissory Note from the third respondent has given a sum of Rs.15 Lakhs to the third respondent. While so, the third respondent has lodged a complaint before the respondent police as if this car was taken by the petitioners along with the fourth respondent forcibly on 15.09.2023, based on that, a petition enquiry is conducted by the respondent police in CSR No.270 of 2024 and they are harassing the petitioners. Therefore, the petitioners are before this Court.



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3.Mr.P.Kottaichamy, learned Government Advocate (Crl.side) takes notice for the first and second respondents and submits that the third respondent is the Regional Head of a Finance Company, namely, Neomax Company and incharge of Ramanathapuram District. The petitioners are the agents of the same company. It appears that they are having some dispute with regard to the affairs of the Neomax Company and said to have taken a car of the third respondent forcibly on 26.09.2023. This complaint is treated as a petition enquiry. Summon was also issued to the petitioners and the respondents. They have not co-operated for the enquiry and therefore they are keeping the petition enquiry pending.

4.Considering the rival submissions made, this Court directed the respondent police to produce the file pertaining to CSR No.274 of 2024. The file reveals that the third respondent/the Regional Head of Neomax Company has lodged a complaint before the Inspector of Police, Thiruppalai Police Station on 01.06.2024. The Head constable (39003) has registered the complaint as petition enquiry on 14.06.2024. The available materials shows that there was an enquiry on



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10.07.2024, however, they have not concluded the enquiry.
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5.This Court has also perused the nature of the complaint lodged by the third respondent. According to the third respondent, on 26.09.2023, the petitioners are said to have forcibly trespassed into his house, taken the car along with the RC Book and a cheque from his residence. He also kept quite apprehending danger to his life. He also claims that he has paid interest for a sum of Rs.35,000/- for a period of five months. When he questioned the petitioners, the petitioners have informed them that they have sold the car and they have also criminally intimidated him. The third respondent, with an apprehension that the petitioner may use the vehicle for any illegal purpose has lodged a complaint on 01.06.2024. The petitioners have relied on the document, dated 29.09.2023, executed by the third respondent in favour of the fourth respondent, mortgaging his car bearing Reg.No.TN 59 CQ 5005, for a sum of Rs.15 Lakhs. The third respondent in his complaint has also stated that he has paid a sum of Rs.35,000/- per month for a period of five months towards interest to the fourth respondent. The complaint, which was received on 01.06.2024 is kept pending for the



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past two months. The respondent police has registered a case in a petition enquiry on 14.06.2024 and even after that, the enquiry is pending for more than four weeks.

6.The concept of preliminary enquiry or petition enquiry is not contemplated under Nagarik Suraksha Sanhita (Criminal Rules of Practice). However, the Honourable Supreme Court in Lalitha Kumari Vs Government of Uttar Pradesh and others reported in **(2013) 14 SCR 801**, has directed the Station House Officers to conduct the preliminary enquiry in the case of matrimonial dispute, commercial disputes, medical negligence etc., The Honourable Supreme Court has also prescribed outer limit of two weeks to conclude the preliminary enquiry. Taking advantage of the same, some of the police officers are conducting a Kangaroo Court for months together. This Court has also noticed several such cases and passed detailed orders and reference also made to the Director General of Police. This is yet another case of such kind. A complaint, which was registered on 01.06.2024, is kept pending for the past eight weeks. Circulars are also issued by the Additional Director General of Police in Circular NO.18/



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ADGP/L&O/Camp/2024 dated 09.01.2024 that the police are strictly refrained from enquiring or interfering in civil matters like money dispute, land dispute, property dispute, pathway dispute, intellectual property dispute.,etc.,

7.The complainant in CSR No.274 of 2024 is the Regional Head of Neomax Company. The Neomax Company has collected deposits from various persons and cheated several crores of rupees, for which, a criminal case has already been registered by the Economic Offences Wing. In all fairness, the Sub Inspector of Police ought to have referred the matter to Economic Offences Wing to ascertain whether this car bearing Reg.No.TN 59 CQ 5005 is the one, which has been purchased out of the amount, collected from the depositors of Neomax company. Instead, they are keeping the same as petition enquiry.

8.Therefore, this Criminal Original Petition is disposed of with a direction to the Commissioner of Police, Madurai to look into this issue and refer the complaint to the Economic Offences Wing,



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Madurai and the Economic Offences Wing is also directed to ascertain the property, namely the car, whether it has been purchased out of the amount, which has been collected from the depositors by the Finance Company and proceed further.

24.07.2024

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

To

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



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B.PUGALENDHI,J

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Order made in
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