



Crl.O.P.(MD)No.19038 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19038 of 2024

Mary Mercylin

... Petitioner

Vs.

1.The Superintendent of Police,
Kanniyakumari District at Nagercoil.

2.The Inspector of Police,
Eraniel Police Station,
Kanniyakumari District.

3.David Rymond

4.Kanagamani

5.Muthu Krishnan

6.Donas Freedy Gilbert

7.Mary

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to direct the second respondent Police not harass the petitioner in the guise of enquiry.



WEB COPY



Crl.O.P.(MD)No.19038 of 2024

For Petitioner : Mr.A.Balakrishnan
For R1 and R2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

The petitioner filed this petition, stating that she had submitted a representation on 19.10.2024 to the first respondent, requesting that not to intervene in the matter or cause harassment to the petitioner under the guise of an enquiry.

2. The petitioner contends that, in 2015, her husband started a finance and chit business, which later incurred losses in 2016, leading to its closure. Due to these losses, the petitioner's husband failed to settle his obligations to the depositors. On 31.05.2016, the petitioner's husband took a loan of Rs.3,00,000/- from the third respondent, paying Rs.8,500/- interest to the account of one Shanmugavel, a close relative of the third respondent. In 2019, the petitioner's husband fully repaid the loan. Subsequently, he took out two more loans of Rs.80,000/- and Rs.1,20,000/-, totaling Rs.2,00,000/- from the third respondent. The principal amount of these loans was settled in October, 2022.



Crl.O.P.(MD)No.19038 of 2024

WEB COPY

3. At the time of obtaining earlier loans, the petitioner's husband had signed cheques, blank papers, and promissory notes and gave them to the third respondent, which the third respondent is now using against the petitioner, alleging that her husband took large sums of money as loans, failed to repay them, and has lodged a complaint.

4. The third respondent had previously lodged a similar complaint with the respondent Police, which was closed. The petitioner's husband later approached the third respondent, offering to make partial payments, but the third respondent insisted on full payment. Since then, the petitioner's husband has ceased visiting her and is unreachable. However, the respondent Police have been visiting the petitioner's house frequently at odd hours, causing harassment and therefore, she has filed the present Criminal Original Petition.

5. The learned Additional Public Prosecutor, on the other hand, submitted that the third respondent had lodged a complaint against the petitioner's husband, stating that he had cheated several individuals. The complaint also mentions the petitioner's name. The petitioner was called



Crl.O.P.(MD)No.19038 of 2024

for enquiry as part of this investigation. The petitioner had previously appeared for an enquiry and gave an undertaking to settle the amount owed. Contrary to this, she has now filed this petition, claiming that being called for an enquiry is harassment.

6. The learned counsel for the petitioner, on instructions, submitted that the petitioner is willing to appear before the respondent Police on 29.11.2024, and on any subsequent hearing dates if required.

7. Recording the same, this Criminal Original Petition is disposed of.

NCC : Yes / No
Index : Yes / No
smn2

19.11.2024

To

1.The Superintendent of Police,
Kanniyakumari District at Nagercoil.

2.The Inspector of Police,
Eraniel Police Station,
Kanniyakumari District.



Crl.O.P.(MD)No.19038 of 2024

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.19038 of 2024

M.NIRMAL KUMAR, J.

smn2

Order made in
Crl.O.P.(MD)No.19038 of 2024

Dated: 19.11.2024