



Crl.O.P.(MD)No.19422 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19422 of 2024

K.Sivakumar

.. Petitioner

Vs.

1. The Superintendent of Police
Dingidul District, Dindigul

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

3. M.Selvaraj

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS directing the second respondent police not to harass the petitioner and his family members without due process of law.

For Petitioners : Mr.A. Balakrishnan

For Respondents : Mr.A.Thiruvadikumar
No.1 & 2 Additional Public Prosecutor
No.3 : Mr.M. Iniyavan

ORDER

This Criminal Original Petition has been filed to direct the second respondent police to not to harass the petitioner and his family members without due process of law.



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2. The petitioner on 16.10.2024 had sent a representation to the respondent police stating that at the instigation of the third respondent he was forced to settle Rs.20 lakhs which is nothing but harassment.

3. As per the representation received from the petitioner it is seen that the petitioner is residing with his family and he received his family partition vide document No. 5093 of 2018. He received 40 cents in S. NO. 637/2B and 1 Acre 49 cents in S.No 640/3-1 and he has been in possession and enjoyment of the same. The petitioner's cousin brother namely Selvaraj/ third respondent herein had approached him for drip irrigation and informed that through drip irrigation he can have good yield and high profit. Further he also promised that through bank loans can be obtained. Believing the same the petitioner has handed over the parent document of his property to Selvaraj. The Selvaraj has not taken any steps to approach the bank and when the petitioner asked for return of document the said Selvaraj had demanded to pay Rs.20,00,000/- to him with the support of the second respondent, hence the above petition.

4. The learned counsel appearing for the third respondent submitted that the petitioner and the third respondent are cousins. The petitioner had



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agreed to sell the land which he inherited and price was fixed as Rs.23,00,000/-. The petitioner had initially taken Rs.12,00,000/- on the pretext that the land was pledged with the bank and to repay the loan with the bank and get back the original documents. Thereafter documents were received and on the date of registration on 13.06.20214 balance amount of Rs.11,00,000/- paid and the document was with the document writer. The petitioner has left informing that he would deposit Rs.11,00,000/- with the bank and come back and execute the sale deed. Thereafter he did come back for registration. Thereafter when the third respondent had approached he refused to make any payment. The transactions were in the presence of one Rajasekar and other. The petitioner in connivance with one Prakash raj and praveena in a well planned manner deceived the third respondent. Hence the petitioner along with the supporting materials lodged a complaint to the respondent police. The respondent police called the petitioner for enquiry but the petitioner termed it as a harassment and approached this Court. The petitioner has cheated the third respondent to the tune of Rs.23 ,00,000/-

5. The learned Additional Public Prosecutor had concurred with the submission of the third respondent and submitted that the petitioner had



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cheated the third respondent to the tune of Rs.23,00,000/- and thereafter he was called to appear for enquiry he failed to appear for enquiry. Payment of money was done by the third respondent in the presence of one Rajasekar. The materials have been collected and the third respondent has given payment particulars. It is under the stage of enquiry. The petitioner was called for enquiry which cannot be termed as harassment

6. The learned counsel appearing for the petitioner submit that the petitioner will appear before the respondent for enquiry and resolve the issue since the third respondent is none other than his Cousin. Further the petitioner shall appear before the respondent police on 28.11.2024

7. Based on the specific undertaking given by the learned counsel appering for the petitioner that the petitioner will appear before the respondent police for enquiry on 28.11.2024 and also the on the days thereafter required for enquiry, this Criminal Original Petition stands closed.

11.11.2024

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

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1. The Superintendent of Police
Dingidul District, Dindigul
2. The Inspector of Police
District Crime Branch Police Station
Dindigul, Dindigul District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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