



Crl.O.P.(MD)No.20028 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20028 of 2024

A.Kumar

.. Petitioner

Vs.

**1.The State of Tamil Nadu represented by
The Superintendent of Police,
Sivagangai District,
Sivagangai.**

**2.The Inspector of Police,
Pallathur Police Station,
Sivagangai District.**

3.Ganesan

.. Respondents

**PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the second respondent not to interfere with the money dispute
which is civil in nature.**

For Petitioner : Mr.P.T.Thiyagaraj

**For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor
for R.1 & R.2**



ORDER

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This Criminal Original Petition has been filed to direct the the second respondent not to interfere with the money dispute which is civil in nature.

2. The petitioner is running a Commission Agent in the name and style of “ Team Associates” doing a business for seven years and used to sell paddy and rice and receive the commission at the rate of 10 paise per Kilogram. One Duraimanickam who is running a business in the name and style of “Theerthika Traders” approached the petitioner to sell his paddy. Accordingly, the petitioner sold 1,43,720 Kg of paddy to various persons. When he contact the said Duraimanickam to pay the sale consideration for paddy, he was informed that the said paddy was purchased from one Ramar through Sathish and hence asked the petitioner to pay the sale consideration directly to Ramar through his bank account. Accordingly, the petitioner sent a money of Rs.30 Lakhs in the month of July 2024 and despite the sale consideration of paddy is only Rs.27,70,000/-. The petitioner had pay an excess amount of Rs.2,30,000 as advance for the future purchase. This being so, Duraimanickam had lodged a complaint against the petitioner. The petitioner was called by the



Crl.O.P.(MD)No.20028 of 2024

Puliyangudi Police for enquiry. The petitioner filed Crl.O.P(MD)No. 16335 of 2024 for seeking Anticipatory Bail and on 27.09.2024 it was informed by the Puliyangudi Police that enquiry is pending against the petitioner. Recording the same, Crl.O.P(MD)No.16335 of 2024 was closed with the direction directing the petitioner to appear before the Inspector of Police, Puliyangudi Police Station and enquiry to be completed within a period of two weeks. The petitioner had appeared before the Puliyangudi Police Station and gave his explanation and produced the document in support of his explanation. The petitioner was directed to appear on 05.10.2024, 06.10.2024, 19.10.2024 and 21.10.2024. This being so, on 04.11.2024, the third respondent herein along with his henchmen came to the petitioner's house, shouted and threatened with dire consequences. On hearing the above said incident, the petitioner's wife had called the emergency Police and before the arrival of Police the above said persons left the place. Subsequently, the petitioner's wife had lodged a complaint to the second respondent. The petitioner also sent the complaint to the higher officials on 06.11.2024. Hence, he filed this writ petition seeking direction directing the second respondent not to interfere with the money dispute of the petitioner in his business dealings with Duraimanickam and others.



Crl.O.P.(MD)No.20028 of 2024

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3. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor submits that on the complaint of one Ramar, CSR.No.315 of 2024 was assigned by the second respondent Police and thereafter, for enquiry the petitioner was summoned but he failed to appear for enquiry. After summons was refused, the same was placed in the wall of the petitioner's house, which now the petitioner termed as harassment.

4. The learned counsel appearing for the petitioner, on instructions, submits that he would appear before the second respondent on 04.12.2024 without fail and give his explanation and also about the explanation earlier given on the complaint of Duraimanickam. The respondent Police thereafter shall conduct enquiry and conclude the enquiry within a period of two months as per law.

5. This Criminal Original Petition is disposed of accordingly.

27.11.2024

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

Note: Issue order copy on 02.12.2024.



Crl.O.P.(MD)No.20028 of 2024

To

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
Pallathur Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.20028 of 2024

M.NIRMAL KUMAR,J.

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Crl.O.P.(MD)No.20028 of 2024

27.11.2024