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Crl.O.P.(MD)No.21449 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.21449 of 2024

Saravanan

... Petitioner

-Vs-

1.The State of Tamil Nadu Rep.by
The Superintendent of Police,
Dindigul District, Dindigul.

2.The State,
Rep by the Inspector of Police,
District Crime Branch Police Station,
Dindigul.

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to direct the second respondent not to harass
the petitioner in the guise of enquiry by appreciating the above stated
facts and circumstances.

For Petitioners : Mr.J.Hariharan
for M/s.K.V.Law

For Respondents : Mr.A.Thiruvadi Kumar
Additional Government Pleader

ORDER

The Criminal Original Petition has been filed to direct the second
respondent not to harass the petitioner under guise of enquiry.



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2. The case of the prosecution is that the petitioner is running a company in the name and style of “Village Foods”. There is a business dealing with one Umar Farooq for purchase of corns. There arose a dispute in settling the dues. Due to that dispute, the said Umar Farooq lodged a complaint before the respondent police. Based on that complaint, the respondent police is harassing the petitioner under the guise of enquiry. Hence, this petition.

3. The learned counsel for the petitioner submits that the petitioner and the defacto complainant are having some business transactions and there arose a dispute between themselves. Hence, the second respondent lodged a complaint before the second respondent. The petitioner appeared before the respondent police on 26.12.2023, 20.01.2024, 30.01.2024 and 11.11.2024 based upon the notices issued by the respondent police. In the meanwhile, the petitioner also made an application before this Court seeking anticipatory bail and the said application was closed as the dispute is civil in nature. Even thereafter, the respondent police issued notice to the petitioner calling him appear before the respondent police. The petitioner also appeared before the respondent police and gave an undertaking to settle all the dues to the defacto complainant. Even after giving such an undertaking, the second



respondent police is continuing to harass the petitioner under the guise of enquiry.

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4.He further submitted that the petitioner and the defacto complainant have entered into an agreement to settle the entire dispute between themselves. The dispute between the petitioner and the defacto complainant is purely commercial dispute and is civil in nature. However, the second respondent, acting as an agent to the defacto complainant is unnecessarily harassing the petitioner and causing hardship to the petitioner's business.

5.The learned Government Advocate (CrI.side), by producing the letter submitted by the petitioner, stated that the petitioner undertakes to settle all the dues before 10.01.2025.

6.Heard the learned counsel appearing on either side and perused the materials placed on record.

7.Perusal of the letter issued by the petitioner shows that the petitioner addressed a letter to the Inspector of Police, District Crime Branch, Dindigul/second respondent herein. It is surprising to note that the Inspector of Police, District Crime Branch seeks such an undertaking



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from the petitioner for settling the dues relating to some business transaction. If at all there is any criminal offence made out by the second respondent, the second respondent shall register an FIR and proceed with the case in accordance with law or if the second respondent feels that it is a civil dispute between the parties, he should have kept his hands away from the dispute by directing the petitioner and the defacto complainant to work out their remedy before the civil Court in the manner known to law. Instead, the second respondent had directed the petitioner to give an undertaking for settling the dues within the prescribed period by issuing notice to the petitioner. Such kind of approach cannot be entertained.

8. Accordingly, the respondent police is hereby directed not to interfere with the civil dispute between the petitioner and the defacto complainant. The second respondent is also directed not to interfere with the civil dispute or commercial complaints in future.

9. With the above direction, this Criminal Original Petition stands disposed of.

10.12.2024

Index : Yes/No

Internet : Yes/No



To

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



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M.NIRMAL KUMAR,J.

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