



WEB COPY



Crl.O.P.(MD)No.20798 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20798 of 2024

A.Sivajothi basu

.. Petitioner

Vs

1. The Superintendent of Police
Office of the Superintendent of Police
Thoothukudi District

2. The Inspector of Police
Athur Police Station
Thoothukudi District

3.Gokilamuthu

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the second respondent not to harass the petitioner under the guise
of enquiry on the basis of the complaint of the third respondent.

For Petitioner : Mr.M.Manimuthu

For Respondents : Mr.A.Thiruvadi Kumar
No.1& 2 Additional Public Prosecutor



Crl.O.P.(MD)No.20798 of 2024

ORDER

WEB COPY

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner under the guise of enquiry on the basis of the complaint of the third respondent.

2. The contention of the petitioner is that the petitioner is a contractor. He had only introduced yet another contractor to the third respondent in the name of Abi Builders for constructing house to the third respondent. There is dispute between the third respondent and the Abi Builders in the construction of the house for which the petitioner is unnecessarily harassed and forced to settle the third respondent to the tune of Rs.9,00,000/- For the harassment caused to the petitioner the petitioner had earlier lodged a complaint to the Human Rights Commission and the second respondent getting agitated over the same is perusing the complaint of the third respondent and causing harassment to the petitioner.

3. The learned Additional Public Prosecutor submitted that on the complaint of the petitioner C. No. P4/33553-24/29/2024 assigned. The third respondent was enquired. The third respondent has given statement that she is working as a teacher in the private school and her husband was



employed in a private factory. Her husband is having 2 ½ cents land. The petitioner is a distant relative of her husband. The third respondent also agreed to entrust the construction of the house and hence there was no written agreement but agreement was that the petitioner to construct the house for a value of Rs.26 lakhs and for that through Bank and online there was a transaction for a sum of Rs.14 lakhs, thereafter Rs.12 lakhs have been paid to the petitioner. The petitioner despite the receipt of money was delaying the construction and later claimed that construction cost and wages have increased and received another Rs.3,00,000/- total Rs.29 lakhs received. When the third respondent enquired about the same, the petitioner again demanded Rs. 4 lakhs. The third respondent was not willing. Finding that the petitioner had cheated the third respondent after receiving huge money of Rs.29 lakhs hence employed another contractor paid Rs.11.5 lakhs and completed the construction. The petitioner was called for enquired in the presence of family members and elders since the petitioner is her relative the petitioner agreed to repay the amount of Rs. 9 lakhs. Thereafter he had gone back therefore this complaint has been lodged and on the complaint the petitioner was called for enquiry but in offensive the petitioner has lodged a complaint as though he is unnecessarily harassed and a complaint has been given to the the Human



Crl.O.P.(MD)No.20798 of 2024

Rights Commission. Taking advantage of the Human Rights Commission as shield and cheating the petitioner not paying any amount and not appearing for enquiry and project is as an harassment.

4. The learned counsel appearing for the petitioner refutes the allegation and submitted that to show his *bonafide* he is ready to appear before the respondent on 05.12.2024 and give his explanation and participate in the enquiry.

5. In view of the same, the second respondent is directed to conduct enquiry on petitioner's complaint and to take action in the manner known to law.

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

28.11.2024

NCC : Yes/No

Index : Yes / No

Internet : Yes / No

aav

Note: Issue order copy on 04.12.2024

To



Crl.O.P.(MD)No.20798 of 2024

1. The Superintendent of Police
Office of the Superintendent of Police
Thoothukudi District

2. The Inspector of Police
Athur Police Station
Thoothukudi District

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



WEB COPY



Crl.O.P.(MD)No.20798 of 2024

M.NIRMAL KUMAR,J.

aaV

Crl.O.P.(MD)No.20798 of 2024

28.11.2024