



Crl.O.P.(MD)No.21105 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21105 of 2024

V.Siva Shanmuga Vadivel

: Petitioner

Vs.

The State of Tamil Nadu

rep., by

1.The Superintendent of Police,
Dindigul District,
Dindigul.

2.The Deputy Superintendent of Police,
Dindigul Crime Branch,
Dindigul.

3.The Inspector of Police,
District Crime Branch,
Dindigul.

4.S.Mahalakshmi

5.VOS Sivasubramani

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the respondents not to harass the petitioner by consider the
petitioner's representation dated 21.11.2024.



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For Petitioner : Mr.D.Arunkumar
For R1 to R3 : Mr.P.Kottaichamy
Government Advocate (Crl.side)
For R4 : Mr.G.Mohan Doss

ORDER

The petitioner for a civil dispute between him and the respondents 4 and 5 is being harassed by the third respondent to settle the issue. Summons, periodical phone calls and sending of police personnel to the petitioner's residence calling him to attend enquiry is being made. Hence, he sent a representation on 21.11.2024. Thereafter too, the harassment continued. Hence, he filed this petition.

2. The contention of the petitioner is that the petitioner and the fourth and fifth respondents are known to each other from the year 2010. There was some money transaction between them. The respondents 4 and 5 were owning property to an extent of 1 acre 55 cents in S.Nos.783 and 782/6. Since they were in financial burden, they asked the petitioner to purchase the property, but the petitioner was not willing. Thereafter, on the compulsion, the petitioner agreed the same and he had collected money from one Malairajan, Pitchai and others and paid Rs.20,00,000/- as sale consideration. Vide Doc Nos.2784/2012 and 2785/2012, dated



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16.05.2012, the petitioner purchased the property. Thereafter, the petitioner has executed sale deed in favour of Malairajan vide Doc.Nos. 2256 of 2019 and 2257 of 2019. Since adjacent to the property Government General Hospital had come up, the value of property got appreciated. The respondents 4 and 5 had turned greedy and lodged a complaint as if they have been deceived, not paid any amount by the petitioner and the petitioner in collusion with Malairajan and Pitchai had created documents of sale and taken away the property of respondents 4 and 5. For a similar complaint, earlier the petitioner was called for enquiry on 02.12.2022, the petitioner appeared and gave explanation. Thereafter, the petitioner has also filed Crl.O.P(MD).No.22715 of 2022 seeking not to harass and this Court by order dated 22.12.2022 recording that the matter is likely to be settled between the petitioner and the respondents 4 and 5 had dismissed the petition. According to the petitioner, this undertaking was by the Public Prosecutor on his own and it was not at the instance of the petitioner. Again, the fourth respondent lodged a complaint on 17.06.2024 and the petitioner had appeared before the Rural DSP office and gave explanation and the said complaint was closed, this was in June-2024, suppressing the same, now, a complaint was lodged before the District Crime Branch. The petitioner has been



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constantly called for enquiry on 11.11.2024, 12.11.2024, 13.11.2024.

Hence, the present petition.

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3. The learned Government Advocate (crl.side) submitted that against the petitioner, a complaint has been lodged by the fourth and fifth respondents, for which, certain document needs to be clarified, for that purpose only, the petitioner had been called for enquiry. The petitioner not responding to the notice, approached this Court as if he is being harassed.

4. The learned counsel for the fourth respondent submitted that the petitioner taking advantage of their earlier relationship, had deceived the respondents 4 and 5, arranged loan through one Malairajan, at that time, the petitioner promised that sale deed to be executed as security for the loan and it was only a nominal document, it is not intended for any sale. The amount was received, thereafter, it was repaid. Later, the respondents 4 and 5 came to know that the petitioner in collusion with his financier Malairajan and Pitchai had created such document. Hence, lodged complaint. The petitioner not appearing for enquiry terming it as harassment, is not proper.



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5. The learned counsel for the petitioner submitted that to show his *bona fide* the petitioner is ready to appear before the respondent police on 13.12.2024.

6. In view of the above, the petitioner is directed to appear before the respondent police on 13.12.2024. On such appearance, the respondent police to conclude the investigation, without any delay.

7. With the above direction, this Criminal Original Petition is disposed of.

04.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
Rmk

To

- 1.The Superintendent of Police,
Dindigul District,
Dindigul.
- 2.The Deputy Superintendent of Police,
Dindigul Crime Branch,
Dindigul.
- 3.The Inspector of Police,
District Crime Branch,
Dindigul.



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M.NIRMAL KUMAR,J.

Rmk

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

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