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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2025

CORAM

THE HONOURABLE **MR.JUSTICE P. DHANABAL**

Crl.O.P(MD)No.2049 of 2025

Bebito Raj

... Petitioner

Vs

1. The Superintendent of Police,
Thoothukudi District.

2. The Inspector of Police,
North Police Station,
Thoothukudi District.

3. Diyana

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to direct the 2nd respondent not to harass the petitioner on the complaint given by the 3rd respondent.

For Petitioner : Mr.R.Anand

For R1 and R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor



ORDER

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This Criminal Original Petition has been filed seeking to direct the second respondent not to harass the petitioner based on the complaint given by the third respondent.

2. According to the petitioner, he is running small business entity, namely garments shop in the name of Preppy Garments in Thoothukudi. The third respondent obtained loan from the petitioner for a sum of Rs.2 Lakhs on 10.12.2023 and thereafter, she obtained a sum of Rs.2.5 Lakhs on 16.12.2023 and again on 08.03.2024, she obtained a sum of Rs.3 Lakhs. Totally she has received a sum of Rs.9,46,000/- from the petitioner and also executed a promisory note and other security documents. When the petitioner demanded to repay the said amount, the third respondent in order to escape from the liability, lodged a complaint and influenced the second respondent to harass the petitioner. Therefore, the petitioner has filed this petition.

3. The learned Counsel for the petitioner would submit that there is a money transaction between the petitioner and the third respondent. The



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third respondent borrowed money from the petitioner and in order to evade from the repayment, she lodged the complaint before the second respondent and the second respondent, based on the complaint, used to harass the petitioner. He would further submit that the Additional Director General of Police, Law and Order, Tamil Nadu, issued a circular to all the Police officials in respect of enquiring the petitions involving civil matters, dated 09.01.2024. But the second respondent police has not followed the said circular. The matter is purely civil dispute based on the money transaction. In spite of that, the second respondent police insisted to hand over the documents under the custody of the petitioner. Already the petitioner has appeared before the second respondent and explained all the facts. Despite that, the respondent police repeatedly insisted the petitioner to settle the matter. Therefore, this petition has been filed.

4.The learned Additional Public Prosecutor appearing for the respondent police 1 and 2 would submit that the respondent police have received two complaints as against the petitioner and those complaints are now under enquiry. One complaint is for money dispute and another is regarding offence against women. Therefore, the respondent police will complete the enquiry within a short time.



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5. In view of the submissions made by the learned Additional Public Prosecutor and also considering the facts and circumstances of the case, it is appropriate to direct the second respondent to complete the enquiry as early as possible, preferably within a period of fifteen days from the date of this order, on merits and in accordance with law. Accordingly, the second respondent is directed to complete the enquiry within a period of fifteen days from the date of this order.

6. It is needless to mention that the respondent police to follow the circular issued by the superior officers in respect of conducting enquiry involving civil matters.

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

05.02.2025

Internet : Yes
Index : Yes/No
NCC : Yes/No
LR



To

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



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P. DHANABAL, J.

LR

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