

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P. No.28570 of 2015
and M.P.No.1 of 2015

C.K. Natarajan ... Petitioner
Vs

1. The State
Rep by the Inspector of Police,
Rural Police Station, Tirupur, Coimbatore.

2. Jayakumar ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records in C.C.No.330/2012 pending on the file
of the Judicial Magistrate No. II, Tirupur, Coimbatore District
quash the charge sheet.

For Petitioner : Mr.R.Balakrishnan.

For respondent : Mr.C.Emalias,
Addl.Public Prosecutor for R1.

O R D E R

This petition has been filed to call for the records in
C.C.No.330/2012 pending on the file of the Judicial Magistrate
No. II, Tirupur, Coimbatore District, and quash the charge
sheet.

2. A complaint has been filed against the petitioner. The
case of the prosecution is that the defacto complainant had
borrowed a sum of Rs.9 lakhs from the petitioner/ accused. The
defacto complaint paid a sum of Rs.40,500/- towards interest
alone for every month. The defacto complaint also executed a
document in favour of the accused/petitioner in respect of the
property towards the loan availed by him. In spite of the same,
the petitioner/accused is harassing the defacto complaint to
pay more amount. It is further alleged that the petitioner had

also threatened the defacto complainant with dire consequences. Hence, the complaint was lodged for the offence under section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 r/w Sections 294(b), 506(i) of IPC. Now, the present petition is filed to quash the said charge sheet.

3. Though the present petition has been filed to quash the charge sheet, the only submission made by the learned counsel for the petitioner is that, with false allegation, the complaint has been filed by the defacto complainant in order to evade repayment of loan and absolutely, no case has been made out by the defacto complainant. Thus, the petitioner has sought for quashing of the charge sheet.

4. In my considered opinion, the submission made by the learned counsel for the petitioner is purely a matter of evidence. In the quash petition, this Court is not conducting any roving enquiry as to whether the defacto complainant has paid the loan amount or not or as to whether the complaint has been filed in order to avoid payment. Therefore, I am not inclined to entertain this petition. Hence, the criminal original petition is dismissed. However, the petitioner is entitled to raise all these defence before the trial Court. Consequently, M.P.No.1 of 2015 is closed.

sd/
ASSISTANT REGISTRAR(CS-III)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

vsi

To

1. The Inspector of Police,
Rural Police Station,
Tirupur, Coimbatore.

2. The Public Prosecutor,
High Court, Chennai.

+1 CC to MR.R.Balakrishnan. Advocate. SR.NO. 64270

Cr1.O.P. No.28570 of 2015

CO-RSK
JD 14/12/2015