

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
Crl.OP.No.11363 of 2012
and MP.No.1 of 2012 in Crl.OP.No.11363 of 2012
and
Crl.OP.No.30317 of 2015
and Crl.MP.No.229 of 2016 in Crl.OP.No.30317 of 2015

Sridhar Petitioner in both Crl.OPs

Vs

1.State, rep. by Inspector of Police,
Tiruppur Rural Police Station,
Tiruppur District.
Crime No.4196 of 2011.

..... 1st Respondent in Crl. OP.No.11363 of
2012

.. Respondent in Crl. OP.No.30317 of 2015

2.D.Chitra ..2nd Respondent in Crl.OP.11363 of 2012

Prayer in Crl.OP.No.11363 of 2012 :- Criminal Original
Petition filed under Section 482 of the Code of Criminal
Procedure to call for the records in Crime No.4196 of 2011 on
the file of the 1st respondent Police and quash the same.

Prayer in Crl.OP.No.30317 of 2015 :- Criminal Original
Petition filed under Section 482 of the Code of Criminal
Procedure to direct the respondent Police to file a final
report pursuant to the registration of the First Information
Report in Crime No.4196 of 2011 on the file 1st respondent
Police.

For Petitioner :Mr.S.Sivasubramani
for Mr.P.Venkatasubramanian
For Respondent :Mr.C.Emalias [for R1]
Additional Public Prosecutor

ORDER

These Criminal Original Petitions have been filed to
quash the proceeding in Crime No.4196 of 2011 on the file of
the respondent-Police.

2. On the complaint given by one Chitra, the second
respondent Police registered a case in Crime No.4196 of 2011
dated 22.07.2011 against Sridhar, the petitioner herein, for
offence under Section 4 of the Tamil Nadu Prohibition of
Charging of Exorbitant Interest Act, challenging which,

Sridhar has filed CrI.OP.No.11363 Of 2012. Since the investigation was not completed in Crime No.4196 of 2011, Sridhar filed CrI.OP.No.30317 of 2015, for a direction to the respondent Police to complete the investigation in Crime No.4196 of 2011 within a time period.

3. When the case was taken up for hearing on 15.07.2016, the learned Additional Public Prosecutor submitted that the FIR in Crime No.4196 of 2011 is not available in Tiruppur Rural Police Station. Therefore, this Court directed the Assistant Commissioner of Police, Incharge of Tiruppur Rural, and the Inspector of Police, Tiruppur Rural Police Station to be present before this Court on 29.07.2016.

4. Mr.K.Mani, Assistant Commissioner of Police, South Range, Tiruppur City and Mr.M.Dhanasekaran, Inspector of Police, Rural Police Station, Tiruppur City are present today.

5. They submitted that the case in Crime No.4196 of 2011 was transferred on the orders of the Commissioner of Police, Tiruppur, from the file of the Inspector of Police, Tiruppur Rural Police Station, to the file of the Inspector of Police, Veerapandi Police Station, Tiruppur, as early as 16.12.2013.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

7. Despite service of notice on Chitra, the second respondent / de facto complainant, there is no representation and she has also not entered appearance through an Advocate. Therefore, her name is printed in the cause-list.

8. The learned counsel for the petitioner submitted that the complaint given by Chitra does not disclose commission of cognizable offence, inasmuch as even according to her, the loan transaction was on 09.11.2010 and the complaint itself was given only on 20.07.2011.

9. That apart, even in the complaint she has stated that four civil cases have been filed by Sridhar against her, which are pending in various Courts. It is Chitra's contention that those four case are false cases.

10. In the considered opinion of this Court, the Police cannot investigate about the falsity of the cases, when the same is pending before the competent Court. The fact that four cases have been filed against Chitra itself shows that the petitioner is resorting to lawful means to recover the amounts.

registered by Inspector of Police, Tiruppur Rural Police Station, and now transferred to Inspector of Police, Veerapandi Police Station, Tiruppur, is hereby quashed. In view of the quashing of FIR, CrI.OP.No.30317 of 2015 is closed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

1.The Inspector of Police,
Tiruppur Rural Police Station,
Tiruppur District.

2.The Inspector of Police,
Veerapandi Police Station,
Tiruppur.

3.The Public Prosecutor
High Court, Madras.

+2 cc's to Mr.P.Venkatasubramanian, advocate, sr.43339, 43338

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krd 18/8

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