



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2017

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

Crl.O.P.(MD) No.11458 of 2017

Sathish @ Sathis Prabhu

... Petitioner/Sole Accused

**-vs-**

1. The Inspector of Police,  
Sellur Police Station,  
Madurai City.

... 1<sup>st</sup> Respondent/Complainant

2.Ramar

... 2<sup>nd</sup> Respondent/Defacto  
Complainant

**Prayer:** Petition filed under Section 482 of Code of Criminal Procedure to call for the records relating to the petitioner in the First Information Report in Crime No.1569 of 2017 on the file of the 1<sup>st</sup> respondent police and quash the same as illegal.

For Petitioner : Mr.R.Udhayakumar

For Respondents : Mr.K.Anbarasan

Government Advocate(Crl.side)

**ORDER**

This Criminal Original petition has been filed to quash the First Information Report in Crime No.1569 of 2017 on the file of the 1<sup>st</sup> respondent police.

2.The case of the petitioner is that the petitioner has borrowed loan from the 2<sup>nd</sup> respondent / De-facto complainant and that the de-facto complainant and his persons demanded high rate of interest against the provisions of Tamil Nadu Prohibition of Charging of Exorbitant Interest Ordinance Act 2003. Hence, it is stated that the petitioner himself has filed a complaint on 30.12.2016 as against the de-facto complainant. It is further stated that the second respondent has thereafter given a complaint. It was stated that the complaint was registered pursuant to the direction of the learned Judicial Magistrate Court No.2, Madurai and the case was registered in Cr.No.1569 of 2017 as against the petitioner for the offences punishable under Sections 294(b), 506(I) and 420 IPC on 24.07.2017. It is against the FIR in Cr.No.1569 of 2017, the above petition is filed.



3.The prime contention of the learned counsel for the petitioner is that the petitioner has filed a previous complaint as against the defacto complainant for charging exorbitant rate of interest. It is in these circumstances without holding any enquiry on the first complaint that was given by the petitioner the respondent police enquired the second complaint that was lodged by the second respondent / de-facto complainant. Since the de-facto complainant is guilty of charging of exorbitant rate of interest, it is stated that if the enquiry is completed pursuant to the first complaint given by the petitioner, there will not be any liability for the petitioner to face the criminal complaint lodged by the second respondent. The contentions of the petitioner are unacceptable. The criminal complaint registered in Cr.No.1569 of 2017 disclose an offence without any ambiguity.

4.The allegation in the complaint given by the second respondent is that, he handed over a sum of Rs.3,00,000/- to the petitioner as the petitioner wanted investment from the second respondent with a promise to give share in the business run by the petitioner. Having regard to the nature of the allegation found in the FIR the petitioner's case that he is not liable to pay any money to the de-facto complainant cannot be accepted at this stage. The de-facto complainant has to be given a fair opportunity to prove his case as to the commission of offences by the petitioner.

5.In that view of the matter this petition lacks merits and hence dismissed. Consequently, the miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

**To:**

1. The Inspector of Police,  
Sellur Police Station,  
Madurai City.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

MM/CMR  
TE/JC/SAR-II : 25/09/2017 : 2P/3C

Cr1.O.P. (MD) No.11458 of 2017  
31.08.2017