



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2017

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CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP. (MD) .No.13745 of 2017

Angalaeaswari

... Petitioner

Vs.

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

2. The Assistant Commissioner of Police,
Madurai City,
Madurai.

3. The Inspector of Police,
Crime Branch,
Karimedu Police Station,
Madurai District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent to register the case based on the complaint given by the petitioner herein, dated 12.07.2017 and to investigate the same in accordance with law.

For Petitioner : Mr.G.V.Vairam Santhosh
For Respondents : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the second respondent to register the case based on the complaint given by the petitioner herein, dated 12.07.2017 and to investigate the same in accordance with law.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The petitioner states that she lodged a complaint before the third respondent against one Kalavathi. In the complaint, the petitioner states that the said Kalavathi received a sum of Rs.6,00,000/- under the guise that she will repay the money after selling one of her properties.

4. It is the further case of the petitioner that the said Kalavathy did not repay the money, despite realization of the sale proceeds of the property belonged to the said Kalavathy.

5. Reading of the complaint itself gives an indication that it is a simple money transaction between the petitioner and the said Kalavathy.

6. The third respondent has a filed Status Report indicating that the person against whom the petitioner gave a complaint has given a counter complaint with a different story. It is stated that the petitioner is a money lender and that the said Kalavathy has stated that she borrowed a sum of Rs.50,000/- from the petitioner and that she had repaid a sum of Rs.8,00,000/-.

7. It is the further case of the third respondent that the petitioner who is advancing loan for exorbitant interest and that she used to give complaint demanding more money even after receipt of principal and interest. The petitioner appears to have produced a Promissory Note, dated 05.05.2014 to evidence the loan transaction. Even the said Promissory Note produced by the petitioner is time barred. Hence, the third respondent has stated that the complaint lodged by the petitioner is to be closed, as no cognizable offence is made out.

8. It is in these circumstances, this Court is not inclined to entertain this petition. Recording the fact that the third



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respondent has proposed to close the complaint, the Criminal Original petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Madurai, Madurai District.
2. The Assistant Commissioner of Police,
Madurai City, Madurai.
3. The Inspector of Police,
Crime Branch, Karimedu Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.G.V.VAIRAM SANTHOSH, Advocate SR.No.85748.

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06.11.2017

pmu

SDS/GT/SAR 3/24.11.2017/3P/6C