

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4.10.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.2162 of 2018

S.Mohankumar

..Appellant

Versus

- 1 The Government of Tamil Nadu
Rep. by the Home Secretary
Fort St. George
Chennai-600 009.
 - 2 The Director General of Police
Mylapore Chennai-600 004.
 - 3 The Assistant Commissioner of Police
Central Crime Branch
Chit Fund and Kanduvatti 32nd Team
Office of the Commissioner of Police
Vepery Chennai-600 007.
- ...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 3.8.2018 passed in W.P.No.20052 of 2018 on the file of this court.

W.P.No.20052 of 2018:

Writ Petition filed under Article 226 of the constitution of India, praying to issue a Writ of Mandamus forbearing the respondents from initiating criminal action against petitioner and especially in matters which are of civil in nature under the guise of inquiry and invoking and filing the case under the Tamilnadu Prohibition of Charging Exorbitant Interest Act 2003 or any Penal Provisions without following due process of law by considering the representation dated 17.03.2018.

For appellant	: Mr.M.Vengatesan
For respondent	: Mr.R.Govindasamy Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.R.Govindasamy, learned Special Government Pleader, who takes notice on behalf of the respondents.

2. The writ appeal has been filed by the writ petitioner challenging the order passed by the learned Single Judge in dismissing the writ petition which sought for a mandamus forbearing the respondents from initiating criminal action against the appellant/petitioner and especially in matters which are of civil in nature under the guise of inquiry and invoking and filing the cases under the Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003 or any Penal Provisions without following due process of law by considering the representation dated 17.3.2018.

3. While rejecting such a prayer, in para 3 of the order, the learned Single Judge referring to section 41(b) of the Specific Relief Act, 1963, Chapter XII of Cr.P.C. and Section 149 of Cr.P.C., held that an omnibus direction as sought by the appellant/writ petitioner could not be granted.

4. The appellant/writ petitioner is shown to be a financier and the grievance of the appellant/writ petitioner appears to be that abuse of criminal process by some loanees taking shelter under Section 3 and 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003. If at all the appellant/writ petitioner is aggrieved over such action on the part of the persons who had borrowed from him, it is for him to take appropriate action against them in the manner known to law.

5. In the light of the above facts, the order of the learned Single Judge does not warrant interference of this court. With the above observation, the writ appeal is disposed of. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 The Home Secretary
Fort St. George
Chennai-600 009.
 - 2 The Director General of Police
Mylapore Chennai-600 004.
 - 3 The Assistant Commissioner of Police
Central Crime Branch
Chit Fund and Kanduvatti 32nd Team
Office of the Commissioner of Police
Vepery Chennai-600 007.
- +1 CC to Mr.A.Damodaran, Advocate sr 68723.

W.A.No.2162 of 2018

NRJK(CO)
SP(28/11/2018)



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