



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2018

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WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD)No.3885 of 2018

and

Crl.M.P(MD).Nos.1896 and 1897 of 2018

Murugavel ... Petitioner/ Sole Accused

-Vs-

1.The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District. ... 1st Respondent/ Complainant

2.Nagaraj ... 2nd Respondent / De-facto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the First Information Report in Crime No.905 of 2017 on the file of the first respondent Police and quash the same as illegal.

For Petitioner : Mr.R.Udhayakumar
For R1 : Mr.Prabu Ramachandran
Government Advocate (Crl.side)

O R D E R

This petition has been filed to quash the FIR in Crime No.905 of 2017 on the file of the first respondent.

2.The learned counsel appearing for the petitioner has submitted that the second respondent has borrowed some amount from the petitioner and executed a promissory note and based on that already the petitioner herein has filed a suit in O.S.No.42 of 2017 on the file of the Sub-Court, Virudhunagar District for recovery of the said amount. In that suit, the second respondent herein has also filed a written statement, and thereafter, with a view to avoid payment in the said suit, the second respondent herein has lodged a false complaint before the first respondent stating that the petitioner herein is charging exorbitant interest. He further submitted that since already the matter has been seized by the Civil Court, it is not open to the first respondent to register the case against the petitioner herein.

3.The learned Government Advocate appearing for the first respondent has submitted that after registering the case, investigation is completed and charge sheet was also filed on 14.11.2017 before the Judicial Magistrate No.I, Virudhunagar

District. But, so far, the case was not taken on file.

4. Considering the aforesaid submissions, this Criminal Original Petition is dismissed as infructuous. The learned Judicial Magistrate No.I, Virudhunagar District is directed to verify if charge sheet is filed, then he has to take the case on file, without further delay. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Virudhunagar District.
2. The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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MYR
KK/JC/18.04.2018/SAR-2/2P-4C