



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Cr1.O.P.(MD) No.4396 of 2018

Mani @ Muthaiah

... Petitioner

-Vs-

1.The Superintendent of Police,
Madurai District.

2.The Deputy Superintendent of Police,
Samayanallur, Madurai District.

3.The Inspector of Police,
Solavandhan Police Station,
Madurai District.

4.V.Karthikeyan
5.Anbalagan
6.Amirtharaj

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second and third respondents not to harass the petitioner in the name of enquiry.

For Petitioner : Mr.K.S.Duraipandian

For R1 to R3 : Mr. Prabhu Ramachandran
Government Advocate (Cr1.side)

ORDER

This criminal original petition has been filed by the petitioner to direct the respondents 2 and 3 not to harass the petitioner under the guise of enquiry.

2.The learned counsel appearing for the petitioner has submitted that the petitioner has borrowed a sum of Rs.10,00,000/- from the respondents 4 to 6 in the year 2013 and so far, the petitioner has paid Rs.22,00,000/- totally including interest. But not satisfying with that the respondents 4 to 6 are demanding more money and also charging exorbitant interest and hence, the petitioner has filed a complaint under Sections 5 and 6 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, before the learned Judicial Magistrate, Vadipatti and also he undertakes to



deposit a sum of Rs.10,00,000/- along with interest and that being so, the respondents 4 to 6 gave a false complaint against the petitioner and based on the said complaint, the respondents 2 and 3 are harassing the petitioner.

3.The learned Government Advocate (Crl.side) has submitted that one complaint has been received against the petitioner alleging that the petitioner has received a sum of Rs.85,00,000/- and when the same was demanded, the petitioner criminally intimidated the complainant and the said complaint is still pending for enquiry.

4.The petitioner has stated in his petition that he has filed a petition under Sections 5 and 6 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, before the Judicial Magistrate, Vadipatti and he also undertakes to repay a sum of Rs.10,00,000/- along with interest. Section 5 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, reads as follows:-

5.Deposit of money and presentation of petition to Court and the procedure thereof. -(1) A debtor may deposit the money due in respect of loan received by him from any person together with Interest at the rate fixed by the Government under Section 7 of the Money-lenders Act, into the Court, having jurisdiction, along with a petition to record that the amount deposited is in full or part, satisfaction of the loan including the interest there for, as the case may be.

(2)The Court shall, on receipt of a petition under sub-section (I), refer a copy of the petition to the person mentioned in the petition, directing him to give his version of the case within a period of fifteen days as may be granted by the Court. The Court may, after due inquiry and after considering the versions of the parties, pass orders recording the satisfaction of the loan and interest therefor in full or in part as the case may be.

5.From the aforesaid provisions, it is clear that a debtor may deposit the amount due in respect of loan received by him from any person together with interest at the rate fixed by the Government under Section 7 of the Money-lenders Act, into the Court, having jurisdiction, and file a petition and make a request to record either full or part satisfaction as the case may be. Only the Civil Court will have jurisdiction to conduct enquiry and record either full or part satisfaction of the loan. Therefore, if the petitioner wants to avail the benefits under Section 5 of the aforesaid Act, he has to file a petition under Section 5 of the aforesaid Act, before the Civil Court, which is having jurisdiction and deposit the amount and make a request to record full or part satisfaction of the loan.

6.Insofar as, the allegation of the petitioner that he has been subjected to harassment is concerned, the second respondent is directed to expedite the enquiry and if the enquiry reveals any



cognizable offence, then he has to register a case and proceed in accordance with law. Instead of doing so, he should not unnecessarily harass the petitioner.

7. With the aforesaid direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(C.o.)

/True Copy/

Sub Assistant Registrar.

To

1. The Superintendent of Police,
Madurai District.

2. The Deputy Superintendent of Police,
Samayanallur, Madurai District.

3. The Inspector of Police,
Solavandhan Police Station,
Madurai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.K.S.Duraipandian, Advocate, SR.No. 57764

Crl.O.P.(MD) No.4396 of 2018
23.03.2018

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AM/SKN RSK/SAR 1/27.03.2018/4P/6C