



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD)No.797 of 2018

Vargesh

... Petitioner

vs.

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

2.The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.

3.The Sub Inspector of Police,
Palugal Police Station,
Palugal,
Kanyakumari District.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to register the case on the basis of the petitioner's complaint dated 25.10.2017 on accordance with law.

For Petitioner : Mr.T.Selvakumaran

For Respondents : Mr.Prabhu Ramachandran

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the second respondent to register a case on the basis of the petitioner's complaint dated 25.10.2017.

2.The learned counsel for the petitioner has submitted that the petitioner has purchased a car from one Anilkumar, who is running a finance company at Kappakadu for a sum of Rs.85,000/- in the year 2013 and at that time, the petitioner has issued 6 signed blank cheques and 2 blank stamp papers to the finance company towards the loan. Further, in the year 2016, the petitioner purchased another car for a sum of Rs.2,00,000/- and at that time also, the petitioner has issued certain documents. He further submitted that subsequently, the petitioner has repaid the said loan with interest, but the said Anilkumar is demanding more interest and hence, a



complaint has been lodged before the second respondent on 25.10.2017, but so far no action has been taken.

3.The learned Government Advocate (Crl.Side) appearing for the respondents has submitted that the alleged occurrence took place within the jurisdiction of Marthandam Police Station and hence, the second respondent has closed the said complaint.

4.In the petition, the petitioner has stated that he has received a sum of Rs.85,000/- in the year 2013 and subsequently, Rs.2,00,000/- in the year 2016. So, from his own statement, it appears that he has borrowed a sum of Rs.2,85,000/- from the said Anilkumar. In paragraph 5 of the petition, the petitioner has stated that he has totally paid Rs.2,10,000/- so far. So, from his own statement, as on date, Rs.75,000/- has to be paid towards the principal amount itself. Without repaying the loan amount, the petitioner cannot seek any remedy.

5.As per Section 5 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, a debtor may deposit the money due in respect of the 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 therefor, as the case may be.

6.In view of the above said provision, the petitioner can deposit the balance amount with interest and seek appropriate remedy before the Court having jurisdiction.

7.With the aforesaid observations, the criminal original petition is disposed of.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Superintendent of Police, Kanyakumari District,
Kanyakumari.
- 2.The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
- 3.The Sub Inspector of Police,
Palugal Police Station, Palugal, Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai
+One cc to Mr.T.Selvakumaran, Advocate, SR.No.42781

mm

RL/6C/2P/SV/MMS/SAR3/2/2/2018

<https://hcservices.ecourts.gov.in/hcservices/>

Crl.O.P. (MD) No.797 of 2018

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