



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

CrI.O.P.(MD).No.4742 of 2019

and

CrI.M.P.(MD).No.2912 of 2019

S.Sathish Babu

... Petitioner / Sole Accused
Vs.

1.The State

by the Inspector of Police,
Thirumangalam Town Police Station,
Madurai.

(in Crime No.410 of 2017) ...1st Respondent / Complainant

2.Revathi

...2nd Respondent / Defacto
Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case registered in First Information Report in Crime No.410 of 2017 on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.J.Lawrance

For R1

: Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

The present petition is filed to quash an First Information Report registered in Crime No.410 of 2017, for the offences under Sections 294(b), 506(i) and Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

2.The learned counsel appearing for the petitioner submitted that even as per the First Information Report, the second respondent and her husband have borrowed a sum of Rs.6,00,000/- from the petitioner, and that the petitioner had even issued a suit notice for realizing the said amount. But, in the meantime, the present case is laid only to deny the petitioner's money to which he is entitled to. He also pointed out that no specific words which constitute the offence under Section 294(b) has been spelt out in the complaint.

3.Heard the learned Additional Public Prosecutor appearing for the respondents.



4. There are two parts to this petitioner's story. So far his claim for the realization of the money goes, he has to work out his remedy separately but the present First Information Report is not about money transaction per se, but, how the petitioner attempted to realize the money due from the second respondent and her husband. The alleged offence is pivoted on the conduct of the petitioner.

5. Since the First Information Report discloses the commission of an offence and that adequate overt act is attributed to the petitioner, this Court does not want to interfere with the on-going investigation. However, the petitioner would be at liberty to challenge the final report as and when the same is filed, provided there are grounds available for the same.

6. On the merit, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Cr1.Side)

/TRUE COPY/

Sub Assistant Registrar (CS)

To

1. The Inspector of Police,
Thirumangalam Town Police Station, Madurai.

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

+1 CC to M/s. J. LAWRENCE, Advocate (SR-58530[F] dated 03/04/2019)

Cr1.O.P. (MD) .No.4742 of 2019

KK: 03/05/2019/2P/4C