



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.5717 of 2019  
and  
Crl.M.P.(MD)No.3593 of 2019

1.Saravanan  
2.Ramalingam  
3.Kanagaraj

... Petitioners

Vs.

1.State Through  
The Inspector of Police,  
Batlagundu Police Station,  
Dindigul District.  
(Crime No.5/2019)

2.P.Gobi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.5 of 2019 on the file of the first respondent, dated 07.01.2019 and quash the same as illegal.

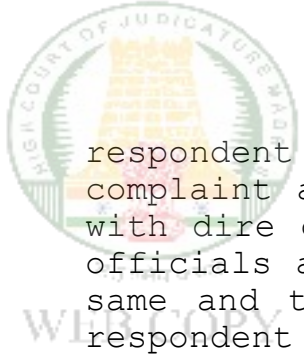
For Petitioners : Mr.K.Chengizkhan

For R1 : Mr.A.P.G.Ohm Chairma Prabhu  
Government Advocate (Criminal side)

### O R D E R

This petition has been filed to quash the proceedings in Crime No.5 of 2019, on the file of the first respondent, in respect of the petitioner herein.

2.The facts of the case are that the second respondent/de-facto complainant was in need of money to settle his family debts, for which, he approached the petitioners 1 and 2/A1 and A2, who in turn, introduced the third petitioner/A3 and they obtained blank signed cheques from the second respondent's daughter, two promissory notes and certain documents on 27.10.2017 and thereafter, advanced loan amount of Rs.4,00,000/-. Thereafter, the petitioners 1 and 2 obtained a original document, Patta and other document relating to the property of the second respondent, measuring an extent of 65 Acres. Thereafter, for the purpose of getting agricultural loan, the second respondent approached the third petitioner, for return of original documents. However, they refused to return the same. Hence, the second respondent has filed a complaint before the



respondent police. Since no action has been taken on the said complaint and the petitioners also threatened the second respondent with dire consequences, the second respondent approached the higher officials and made a complaint. However, they failed to return the same and threatened the second respondent. Therefore, the second respondent filed a petition under Section 156(3) Cr.P.C. before the Judicial Magistrate Court, Nilakottai. Based on the direction of the learned Judicial Magistrate, Nilakottai, the present FIR has been registered against the petitioners for the offences punishable under Sections 420, 120(b) and 506(i) IPC.

3.The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution. The third petitioner/A3 is doing business in the name and style of ''Kangaroo Capital Finance'' and he advanced loan amount of Rs.4,00,000/- to the second respondent/de-facto complainant by securing proper documents and thereafter, the second respondent failed to repay the same and lodged a false complaint against the petitioners and therefore, the learned counsel prayed for quashing of FIR.

4.The learned Government Advocate (Criminal side) submitted that based on the direction of the learned Judicial Magistrate, Nilakottai, the present FIR came to be registered. During investigation, it was revealed that A3 has advanced loan to the second respondent genuinely and appropriate report would be filed before the competent Court.

5.Considering the facts and circumstances of the case and since the FIR discloses commission of cognizable offence, the same cannot be quashed in the light of the law laid down by the Hon'ble Apex Court in **State of Haryana Vs. Bhajan Lal** reported in **1992 (1) SCC 335**. It is for the petitioners to establish their case beyond reasonable doubt before the Trial Court. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Inspector of Police,  
Batlagundu Police Station,  
Dindigul District.



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

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CrI.O.P. (MD) No.5717 of 2019

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KK/SAR/23.05.2019/ 3P- 3C