



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.2241 of 2015 and
M.P.(MD)NO.1 of 2015

M.Kathiresan,
S/o. R. Muthu Asari, 69, Navalar Nagar
3rd St., S.S. Colony Madurai-10.

... Petitioner/Accused

Vs

1. The Inspector of Police,
South Gate Police Station,
Madurai,
(Crime No.88/2015).

... Respondent/Complainant

2. P.K. Munirajan,
S/o. Krishnasamy, 190, Palace Road,
Madurai..

... Respondent/Defacto Complainant

PRAYER :-

Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the FIR in Cr. No. 88/15 and quash the same pending on the file of the respondent police.

For Petitioner : M/s.R.Ramasamy,
Advocate.

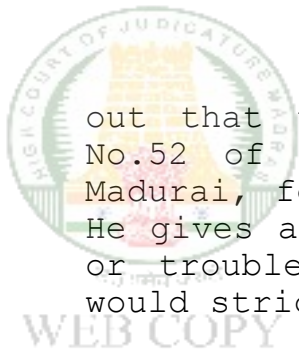
For R-1 : Mr.A.Robinson,
Government Advocate (Crl.Side)

For R-2 : Mr.N.Dilip Kumar

ORDER : The Court made the following order :-

The petitioner wants this Court to quash the impugned First Information Report which has been registered under the provisions of the Tamil Nadu Prohibition of charging of Exorbitant Interest Act.

2. When the matter was taken up for hearing, the petitioner's counsel on instructions submitted that the interest claim of the
<https://hsevisitorservices.in/hsevisitorservices> is not more than 12% interest p.a. He would also point



out that the petitioner had already filed a civil suit in O.S. No.52 of 2015 on the file of the V Additional District Judge, Madurai, for recovery of money from the defacto complainant herein. He gives a specific undertaking that the petitioner will not molest or trouble the defacto complainant for recovery of his dues. He would strictly take recourse to legal process.

3. It appears that the petitioner had filed a cheque dishonour case also against the respondent. Since the petitioner had already taken recourse to legal process and he had given an undertaking that he will not molest the defacto complainant and that he never claimed or charged exorbitant interest, I am of the view that the impugned proceedings deserves to be quashed. It is accordingly quashed.

4. This Criminal Original petition stands allowed. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /

Sub Assistant Registrar(CS-)

TO

1. The Inspector of Police,
South Gate Police Station, Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-88922[F] dated 24/09/2019)
+1 CC to M/s.R.RAMASAMY, Advocate (SR-88928[F] dated 24/09/2019)

ORDER
IN
CRL OP(MD) No.2241 of 2015
Date : 20/09/2019

pmu
ES/03.10.2019/2P/5C