



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2020

CORAM:

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**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

Crl.O.P.(MD)No.16392 of 2016  
and  
Crl.M.P.(MD)No.8019 of 2016

M.Muniyandi

.. Petitioner

Vs.

1.State through by  
Sub-Inspector of Police,  
Tiruppachetti Police Station,  
Manamadurai Taluk,  
Sivagangai District.  
(Crime No.71 of 2013)

2.A.Valarmathi

.. Respondents

**Prayer:-** Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.219 of 2014, on the file of the Additional District Munsif-cum-Judicial Magistrate Court, Manamadurai, and quash the same.

For Petitioner : Mr.V.Nagendran

For R1 : Mr.K.Suyambulinga Bharathi  
Government Advocate (Criminal side)

For R2 : No Appearance

### ORDER

This petition has been filed seeking to quash C.C.No.219 of 2014, on the file of the Additional District Munsif-cum-Judicial Magistrate Court, Manamadurai.

2.The petitioner herein is the sole accused in the said case registered for the offences under Sections 294(b) and 506(ii) IPC r/w. Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act. The specific case of the prosecution is that the petitioner herein, who is a money lender, advanced Rs.2,000/- loan to the second respondent/de-facto compliant, for which, he has calculated exorbitant interest and demanding Rs.70,000/-. When the



second respondent/de-facto complainant was not able to pay the money, on 19.03.2013, the petitioner went to the house of the second respondent/de-facto complainant and abused her with filthy language and threatened her if she does not pay the money, he will set her to fire. Based on this complaint, the respondent police has registered a case in Crime No.71 of 2013 and investigated the case. After recording the statement of witnesses, the respondent police has filed the final report and the same has been taken on file by the learned District Munsif-cum-Judicial Magistrate, Manamadurai.

3.The contention of the petitioner is that the second respondent herein borrowed Rs.70,000/- and promised to repay it with interest at the rate of 2% per month. When she failed to repay the money, the petitioner filed a suit in O.S.No.12 of 2012, based on the pro-note before the Additional District Munsif-Judicial Magistrate Court, Manamadurai. The said suit was decreed on 26.07.2012 and thereafter, when he tried to execute the decree, the second respondent/de-facto complainant had come out with the false complaint as if on 19.03.2013, the petitioner went to her house and threatened her with dire consequence.

4.From the reading of the final report and the statement recorded from the listed witnesses under Section 161 Cr.P.C., it appears that on 19.03.2013, the incident has taken place at the residence of the second respondent/de-facto complainant and the same has been spoken by Jothi Basu, S/o.Arumugam, Deka Raj, S/o.Thavasi and Sangu, S/o.Arumugam, besides the second respondent/de-facto complainant. Therefore, the contention of the petitioner that there is no witness to support the case of the second respondent/de-facto complainant is incorrect. Furthermore, from the reading of the ex-parte decree passed by the learned Additional District Munsif-cum-Judicial Magistrate, Manamadurai, it appears that the petitioner herein has advanced loan to the second respondent/de-facto complainant for interest at the rate of 2% per month, which works out to 24% per annum. The petitioner is not a registered money lender and the second respondent/de-facto complainant is not a Trader and the loan transaction is not for any commercial purpose. Therefore, 24% rate of interest per annum demanded by the petitioner herein for the loan advanced, is a sufficient admission and proof for demand of exorbitant interest. This clearly attracts the provisions of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act. In such circumstances, this Court finds that the petition to quash is not maintainable and liable to be dismissed, accordingly, it is dismissed. Consequently, connected Miscellaneous Petition is closed.

5.Registry is directed to send back the records, if any, to the Trial Court forthwith.



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6.The Trial Court is directed to dispose of the case as expeditiously as possible, preferably, within six months from the date of receipt of records.

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar(CS)

Smn2

To

1.The Additional District Munsif-cum-Judicial Magistrate,  
Manamadurai.

2.The Sub-Inspector of Police,  
Tiruppachetti Police Station,  
Manamadurai Taluk,  
Sivagangai District.

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

+1 CC to Mr.V.NAGENDRAN, Advocate ( SR-10751[F] dated 10/03/2020 )

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