

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.15649 of 2018

and

Crl. M.P. No. 8018 of 2018

K.Jayakumar

... Petitioner

Vs.

1. State Rep. by

Sub-Inspector of Police,
Thiruvalam Police Station,
Thiruvalam, Vellore District.
Cr. No. 22 of 2018.

2. Sathya

.... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to FIR in Crime No. 22 of 2018 on the file of the First Respondent police and quash the same.

For Petitioner : Mr. T.Sundaravadanam

For Respondent : Mr.M.Mohamed Riyaz (For R1)
Additional Public Prosecutor
R2 - No appearance

ORDER

This petition has been filed challenging the FIR registered in Crime No.22 of 2018, on the file of the first respondent Police. The second respondent has given a complaint to the respondent Police to the effect that a loan was taken by mortgaging certain property and inspite of the payment of the entire amount with an exorbitant interest, the petitioner is threatened to transfer the property in his name and also abusing the second respondent and has also caused criminal intimidation.

2. Heard Mr.T.Sundaravadanam, learned counsel for the petitioner and Mr.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of first respondent. The second respondent has been served notice and her name has also been printed in the cause list and there is no representation either in person or through counsel.

3. It is seen from records that there was a sale agreement entered into between the petitioner and one Perumal on 01.12.2014. The defacto complainant is the sister-in-law of one Manju, W/o.perumal. The petitioner had entered into an agreement

of sale with the said Perumal. This document was attempted to be projected as if its a loan document. The petitioner had infact filed a suit for specific performance based on the sale agreement in O.S.No.06 of 2018, on the file of the Subordinate Court, Vellore.

4. At this point of time, the FIR came to be registered against the petitioner for offences under Section 294(b), 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act 2003.

5. The suit filed by the petitioner was decreed insofar as the alternative relief is concerned and the said Perumal was directed to refund the advance amount received from the petitioner.

6. In the considered view of this Court, the transaction between the parties is purely civil in nature and an attempt has been made to give it a criminal colour. The continuation of the investigation against the petitioner is an abuse of process law and it requires the interference of this Court under Section 482 of Cr.P.C.

7. In the result, the investigation in Crime No.22 of 2018, on the file of the first respondent police, is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rli

To

1. The Sub-Inspector of Police
Thiruvallam Police Station
Thiruvallam, Vellore District

2. The Public Prosecutor
High Court of Madras
Chennai - 600 104.

+1 CC to Mr.T.Sundaravadanam, Advocate sr 4795.

Cr1.O.P.No.15649 of 2018

and

Cr1. M.P. No. 8018 of 2018

PM(CO)

SP(01/03/2021)