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Crl.O.P.No.19144 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

THE HON'BLE MS. JUSTICE R.N.MANJULA

Crl.O.P.No.19144 of 2021

and

Crl.MP.No.10468 of 2021

1.Mangammal

2.Balaraman

... Petitioners /Accused

Vs.

1.State rep by

The Sub Inspector of Police,
Perambalur Police Station
Perambalur District
(Crime No.1187/2021)

... Respondent/ Complainant

2.S.Manoharan

... Respondent/ Defacto Complainant

Prayer:- This Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records in Crime No.1187 of 2021 dated 07.08.2021 on
the file of the 1st respondent police and quash the same.

For Petitioner : Mr.E.C.Ramesh

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor for R1

: Mr.P.Krishnan for R2



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ORDER

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This Criminal Original Petition has been preferred to call for the records pertaining to Crime No.1187 of 2021 on the file of the first respondent police and quashed the same as illegal.

2. On the compliant given by the second respondent, a case has been registered against the petitioners and others for the offences under Sections 406 & 506(i) of Indian Penal Code, 1860 and Section 3 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

3. The learned counsel for the petitioners submitted that the transactions were purely civil in nature; the defacto complainant/ second respondent, who had sold away his property in favour of the petitioners as early as on 26.08.2016 after receiving the sale consideration, had chosen to give a false complaint by alleging cheating and collection of exorbitant interest.

4. The learned counsel for the petitioners further submitted that when the original petition was moved on 03.12.2021, this Hon'ble Court has granted an order of stay of further proceedings.



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5. However, it is submitted by the learned counsel for the second respondent that a petition filed by him in Crl.OP.No.16114 of 2021 on 22.08.2022 a direction has been given to the police to file the final report within a period of twelve weeks.

6. On perusal of the order dated 22.08.2022 in Crl.OP.NO.16114 of 2021, it is seen that in the said original petition, the petitioners have not shown as one of the respondents.

7. In view of the direction already given by this Court on 22.08.2022 in Crl.OP.No.16114 of 2021, the investigation has been completed and the report has been filed. However, if the petitioners feel that they have got valid points for getting discharge even before the case is posted for trial, they are at liberty to file a petition under Section 239 of the Criminal Procedure Code and invoke their remedy in accordance with law after the charge sheet is filed.

With the above direction this Criminal Original Petition is Disposed of. Consequently the connected miscellaneous petition is closed.

30.09.2022

Speaking/Non-speaking

Index : Yes/No

RS/jrs

<https://www.mhc.tn.gov.in/judis>



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R.N.MANJULA, J.

jrs

To

1. The Sub Inspector of Police,
Perambalur Police Station
Perambalur District

2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.19144 of 2021
and
Crl.MP.No.10468 of 2021

30.09.2022