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CrI.O.P.No28680 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2022

CORAM

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.28680 of 2019
and CrI.MP No.15272 and 15273 of 2019

1. D.Vinoth kumar
2. A.Anbu Venkatesh
3. J.Rajkumar

..Petitioners/A1 to A3

-Vs.-

1. The State Rep. By
Inspector of police,
Uthukuli police Station,
Tirupur District.

2. R.Muthuraman

..Respondents/ Defacto
Complainant

Prayer :- Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records and quash the charge sheet in P.R.C No.08/2019, pending on the file of the Judicial Magistrate, Avinashi.

For Petitioner : Mr.A.E.Ravichandran



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For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl Side)
for R1
R2 - No appearance

ORDER

This petition is filed to quash the criminal complaint registered against the petitioners for offence under Section 306 of IPC.

2. This is a very interesting case where the son of the borrower had committed suicide by executing himself being humiliated by the bank officials who visited their business premises and demanded to repay the loan which was over due for more than three months. The reason for prosecuting these three petitioners is the suicide note alleged to have been left by one Ram Ganesh S/o.Muthuraman which reads as below:-

I am Ram today at 2.30 BOI, staffs came to my office and they spoke to me very cheap especially the black ugly guy, I told them I can pay off my dues and I just wanted time, already 3 year went by, its only a 3 months outstanding but after knowing all my issue of because of changing Factory and all I am incapable of paying the full dues at



a single payments I request them for some structure changing in my loan more than 3 onths they also know all the problem but all of a sudden they want the money back within in tomorrow morning 11'o clock they are torturing by cell phones and by direct visit but when I am willing to pay and even last month I pay 80 k they want the full dues on a single day that made me shame full to ask so money to any one and the bankers also torturing me the Zonal office fellow came to my office I don't know his name and new BOI TRP SME branch loan manager and Anbu. They all used very improper words and made me to commit suicide. They gave me this idea too.

3. The reading of the complaint and the suicide note as well as the statements of witnesses clearly show that the father of the deceased Ram Ganesh having availed loan for Rs.28,00,000/- was in default of Rs.7 lakhs and for the said recovery, the officials have gone to the premises of Muthu Raman, Proprietor of VGRR exports. At that time, Muthu Raman was not in the premises and his son Ram Ganesh was there and he was informed by the bank officials that due must be paid by the next date. It is alleged that they have used abusing and



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unparliamentary words against Ram Ganesh. It could be seen only from the suicide note and the suicide note which extracted above does not reveal about the abusing word or harassment or threat. For the discharge of the official Act if some body hypersensitive committed suicide long after the incident, it is highly improper to prosecute them. In this case, admittedly the petitioners went to the premises at 2.30 p.m. and left and whereas, the said Ram Ganesh has committed suicide at the factory premises during night at about 10.00 pm. He has informed his wife that he will not be returning home and going to stay in the factory premises and he has not disclosed anything about the alleged humiliating utterance by these petitioners.

4. This Court finds that even without considering the presumption under Section 114 (E) of Evidence Act and admitted fact of discharging the official duty of recovering the loan from defaulter, case has been registered and it is stated that after filing the final report, the trial Court has taken it on file in S.C.No.87 of 2019 before the Additional Sessions Court, Avinashi. This Court holds that the prosecution is purely non-application of mind and misapplication of provision of law. Hence,



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this criminal original petition is allowed. Consequently, the connected miscellaneous petitions are closed.

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Speaking/Non-speaking order

Index: Yes/No

Internet : Yes/No

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To

1. The State Rep. By
Inspector of police,
Uthukuli police Station,
Tirupur District.
2. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN.J.,

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