



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL OP(MD) . No.3089 of 2022

and CRL.M.P. (MD)No.2311 of 2022

- 1.Alexis @ Alex
2. Banu
3. Rajendran
4. Jeyamani
5. Lourdusamy
6. Santhanamery

...Petitioners/Accused 1 to 6

Vs

1. The State represented by
The Sub Inspector of Police,
Samayanallur Police Station,
Madurai District.
(In Crime No.161 of 2016) ... 1st Respondent/Complainant

2. Prabhakaran ...2nd Respondent/Defacto Complainant

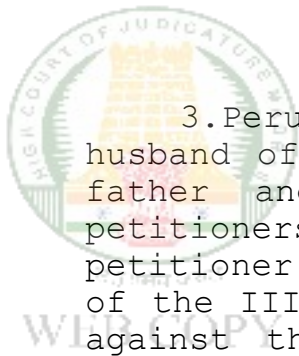
PRAYER :- This Criminal Original Petition filed under Section 482 Cr.P.C.to call for the records pertaining to the case registered in FIR in Crime No. 161 of 2016 on the file of the 1st respondent and quash the same as illegal.

For Petitioners : Mr.J.Lawrance
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)
for R1
: Mr.S.Vikram for R2

ORDER

The Criminal Original Petition has been filed to quash the FIR in Cr.No.161 of 2016 on the file of the first respondent.

2.The case of the prosecution is that due to money dispute on 23.05.2016, the petitioners and two others had trespassed into the house of the defacto complainant/ second respondent and threatened him to vacate from his house property immediately, otherwise he would be evicted by him forcibly and further they had criminally intimidated him. With the above allegations, the second respondent lodged a complaint before the first respondent and a case has been registered in Crime No.161 of 2016, for the offences punishable under Sections 147, 452, 294(b) and 506(i) IPC and Section 3 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.



3.Perusal of records reveals that the first petitioner is the husband of the second petitioner, third and fourth petitioners are father and mother of the first petitioner, fifth and sixth petitioners are relatives of the first petitioner. The second petitioner already filed a suit in O.S.No.1111 of 2017, on the file of the III Additional Sub Court, Madurai for recovery of money, as against the second respondent, to pay the mortgage amount with interest and also prayed to bring the subject property for sale. Therefore, there is a civil dispute pending between the petitioners 1 and 2 and the second respondent herein.

4.That apart, the alleged occurrence took place on 23.05.2016, whereas the complaint lodged only after seven days, ie., on 30.05.2016. There is absolutely no explanation for the delay in lodging of the complaint. When the suit is pending for recovery of money, the mere use of expression that the petitioners have been charging exorbitant interest is not sustainable.

5.Further, the FIR has been registered in the year 2016. For the past six years, there is absolutely no progress in the investigation. Therefore, the pendency of FIR would not serve any purpose and it cannot be sustained as against the petitioners.

6.In view of the above, this Criminal Original Petition is allowed and the impugned FIR in Crime No. 161 of 2016, on the file of the first respondent is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

PNM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1.The Sub Inspector of Police,
Samayanallur Police Station,
Madurai District.

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

+1 CC to M/s.J.LAWRANCE, Advocate (SR-15136[F] dated 29/03/2022)

ORDER

IN

CRL OP(MD) . No.3089 of 2022
and CRL.M.P. (MD)No.2311 of 2022

Date : 29/03/2022

nsn(CO)

GC(11.04.2022) 3P 4C