



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P. (MD) No.19102 of 2021

WEB COPY

P.Suganthan ... Petitioner /Accused No.1
vs.

1.The State, rep.by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.844 of 2021) ...Respondent/Complainant

2.Rathi ...2nd respondent/
Defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.PC, to call for the entire records relating to the FIR in Crime No.844 of 2021 on the file of the first respondent, quash the same in sofar as the petitioner is concerned.

For Petitioner : Mr.A.Sivasubramanian
For Respondents : Mr.T.Senthil Kumar
Addl.Public Prosecutor for R1
Mr.Shaji Chellan for R2

O R D E R

Heard the learned counsel on either side.

2.This criminal original petition has been filed to quash the impugned FIR in Crime No.844 of 2021 for the offences under Sections 353, 506(ii), 294(b) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. The second respondent's husband had taken a loan from IDFC bank. It appears that he was still liable to pay the balance amount of Rs.12,000/-. Since the said amount was not paid in spite of reminders, the petitioner as the Branch Manager had instructed the collection team to contact the debtor. Instead of contacting the person who had availed the loan, the collection team had gone to the work place of the defacto complainant. The defacto complainant is working as P.G Assistant in a Government Higher Secondary School. The team leader is said to have behaved in an abusive manner at her work place. Therefore, the defacto complainant lodged a complaint before the first respondent leading to registration of the impugned FIR. To quash the same, this criminal original petition has been filed.



3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds and called upon this Court to quash the impugned FIR. The learned counsel appearing for the defacto complainant and the learned Additional Public Prosecutor for the first respondent submitted that no case for quashing has been made out.

4.I carefully considered the rival contentions and went through the materials on record. The petitioner on his own had sent a letter to the defacto complainant expressing his unconditional apology. He regrets whatever has happened. He also undertakes that if the loan availed by the husband of the defacto complainant remains uncleared, he would deposit a sum of Rs.10,000/- to the said account.

5.The petitioner has apologized and he undertakes to pay a sum of Rs.10,000/- to the loan account of the husband of the defacto complainant. The petitioner is only a Branch Manager of the creditor institution. The petitioner cannot be made vicariously liable for the overreach committed by the team leader of the collection team. In this view of the matter, I quash the impugned FIR as far as the petitioner is concerned. At this stage, the learned Additional Public Prosecutor for the first respondent states that a positive final report will be filed against the second petitioner within a period of six weeks from the date of receipt of copy of this order. Recording the said submission and undertaking of the petitioner herein, the impugned FIR stands quashed as far as the petitioner herein is concerned. This criminal original petition is allowed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

skm

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 Inspector of Police, Kottar Police Station,
Kanyakumari District.

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

+1 CC to M/s.L.SHAJI CHELLAN, Advocate (SR-3581[F] dated 02/02/2022)

+1 CC to M/s.A.SIVASUBRAMANIAN, Advocate (SR-3742[F] dated 02/02/2022)

Cr1.O.P. (MD) No.19102 of 2021
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SR(CO)
KB(05.03.2022) 3P 5C