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CrI.O.P.(MD)No.1124 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 25.04.2023

Delivered on : **06.06.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

CrI.O.P.(MD) No.1124 of 2021

and

CrI.M.P.(MD)No.517 of 2021

Selvi

... Petitioner / Sole Accused

Vs.

1.The State rep. by

The Inspector of Police,

Thirumangalam Police Station,

Thirumangalam.

(Crime No.13/2019)

... 1st respondent / Complainant

2.Pitchaiyammal

... 2nd respondent /defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the F.I.R. in Crime No.13 of 2019, on the file of the first respondent herein and to quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.S.Balasubramanian

For Respondents : Mr.M.Sakthikumar for R1
Government Advocate (crl.side)



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ORDER

This petition is filed to quash the F.I.R. in Crime No.13 of 2019, on the file of the first respondent.

2. The case against the petitioner is that the defacto complainant is the vice head of Self Help Group, on July -2018 the defacto complainant issued a cheque and the petitioner demanded 10% interest for the amount and the defacto complainant and the other members of the Self Help Group return back the amount and on 01.12.2018, she asked the petitioner to return back the cheque. But, the petitioner abused her in filthy language and demanded more interest. On the complaint of the defacto complainant, the first respondent police registered a case in Crime No.13 of 2019, for the offence under Sections 294(b), 506(i) of I.P.C and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act.

3. On the side of the petitioner, it is stated that this is the second quash petition. The petitioner was not present in the scene of occurrence. The petitioner did not participate in the occurrence. On



20.08.2018, the defacto complainant borrowed a sum of Rs.4,00,000/- from the petitioner. On 01.12.2018, the petitioner requested the defacto complainant to repay the amount for her medical expenses. The defacto complainant issued a cheque, dated 14.12.2018. On 20.12.2018, the petitioner presented the above cheque and the same was returned as “insufficient funds”. The petitioner issued notice and registered a case under Section 138 of Negotiable Instruments Act in S.T.C.No.47 of 2019 on the file of the Judicial Magistrate, Thirumangalam. Only on the above motive, the defacto complainant registered a false case against the petitioner. The alleged occurrence took place on 01.12.2018, but, the F.I.R was registered on 06.01.2020 and prayed the F.I.R to be quashed.

4. On the side of the petitioner, it is further stated that there should be a specific threatening, which create fear in the minds of the defacto complainant. No such ingredients was made in this case and hence, Section 506(i) I.P.C. is not maintainable.

5. On the side of the second respondent, it is stated that earlier petition filed by the petitioner in CrI.O.P(MD)No.13034 of 2019, was dismissed by this Court on 19.09.2019, with a direction to complete



the investigation and to file a final report within a period of eight weeks.

It is fairly admitted that the charge sheet was not filed in this case.

6. On the side of the prosecution, it is stated that the defacto complainant has failed to produce the relevant documents and hence, charge sheet could not be filed.

7. It is seen that this case was registered as a counter blast to S.T.C.No.47 of 2019, on the file of the Judicial Magistrate, Thirumangalam. Though this Court has directed the investigation agency to complete the investigation within a period of eight weeks, the inspector of police has not taken any steps to file a final report within the time limit. The specific ingredients of Section 506(i) of I.P.C was not made out.

8. In the above circumstances, the F.I.R in Crime No.13 of 2019 is hereby quashed. Hence, this Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Ls

06.06.2023



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To

- 1.The Inspector of Police,
Thirumangalam Police Station,
Thirumangalam.

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

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R.THARANI. J.

Ls

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