



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2023

CORAM:

THE HONOURABLE **MR. JUSTICE K.K.RAMAKRISHNAN**

Crl.O.P.(MD) No.8425 of 2021

and

Crl.MP(MD)No.4329 of 2021

S.Nadimuthu

... Petitioner/Accused No.2

Vs.

1.State of Tamilnadu represented by

The Inspector of Police,

Pattukottai Town Police Station,

Thanjavur District.

... 1st Respondent/Complainant

2.Menaka

... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.,

to call for the records and quash the FIR in Crime No.217 of 2021 on the

file of the 1st respondent asfaras the petitioner is concerned.

For Petitioner : Mr.M.Prabhu

For R1 : Mr.Muthumanikkam
Government Advocate (Crl.Side)

For R2 : No Appearance

**ORDER**

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This petition has been filed to quash the FIR in Crime No.217 of 2021 on the file of the first respondent insofar as the petitioner/A2 is concerned. The case was registered against the petitioner and the other accused for the offences under Sections 294(b), 506(2), 109 of IPC and Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act. 2003

2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.11,50,000/- for interest from one Manokaran, for her distant relative namely, Tamilselvi. At the time of borrowing money, sign of the defacto complainant was received in a promissory note and a SBI Cheque leaf. Since she has defaulted in paying interest, the said Manokaran said to have went to the house of the defacto complainant and abused her in filthy language and also threatened her by showing knife by demanding money. Thereafter, the defacto complainant came to know that the borrowed amount is the amount of the petitioner. Hence, the complaint.



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3.The learned counsel for the petitioner would submit the petitioner is a sport personality. He obtained many medals in the State, National and International levels. He has voluntarily retired from Railway Department due to his personal inconvenience. Further, the petitioner is a Chief Trainer in the Gym run by his wife in the Railway Station Raod at Pattukottai Town. The said Manokaran, who was arrayed as first accused was known to the petitioner/A2 when he was a Gym student. The first accused came to the Gym for the past 3 years. On such relationship, the first accused demanded money from the petitioner for doing business and also assured that he would give a part of profit to him. On believing his words, the petitioner/A2 gave money to the first accused. Thereafter, he did not give any profit from his business as assured by him and also the principal amount. The defacto complainant and the first accused colluded together cheated the petitioner/A2 herein. Therefore, the petitioner is also one of the victim and he was cheated by them. Hence, he prayed to quash the FIR in Crime No.217 of 2021 on the file of the first respondent police.

4.The learned Government Advocate (Crl.Side) would submit that the investigation was completed and final report was filed before the



Judicial Magistrate Court, Pattukottai, through e.filing (e.filing No.CC/511/2023).

5.Since final report was filed before the concerned Court, the petitioner seeks liberty to challenge the same and hence, this Criminal Original Petition is dismissed with liberty to the petitioner to challenge the final report in the manner known to law. Consequently, the connected miscellaneous petition is closed.

21.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
dss

To

- 1.The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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5

K.K.RAMAKRISHNAN, J.

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