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Crl.O.P.(MD)No.15080 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.08.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.15080 of 2023
and Crl.M.P(MD).Nos.11943 and 11944 of 2023

Balasubramanian

... Petitioner

Vs.

1.The Inspector of Police,
Ammapatti Police Station,
Virudhunagar District,
Crime No.58 of 2021.

2.Karuppasamy

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned charge sheet in C.C.No.215 of 2023 on the file of the learned Judicial Magistrate No.II, Sattur and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.AN.Ramanathan

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking for quashment of C.C.No.215 of 2023 registered against the accused on the file of the



learned Judicial Magistrate No.II, Sattur, for the offence punishable under Sections 294(b), 420, 506(1), 406 and 352 IPC.

2. It is submitted by the learned counsel appearing for the petitioner that the petitioner is doing money lending business with a valid license. The respondent No.2/defacto complainant has deposited a sum of Rs.15,50,000/- in the petitioner's bank account for interest. On account of COVID, he could not pay the interest and also principal. Thereby, the respondent No.2 has filed a complaint before the respondents 1 and 2 Police. When the respondents 1 and 2 Police started harassing, the petitioner has filed Crl.O.P(MD).No.3455 of 2021 before this Court, wherein, the respondents Police have reported before this Court that the dispute between the petitioner and the respondent No.2 is civil in nature in respect of money transaction and thereby, the petition was closed. It is submitted that on the same facts, again one more complaint was filed by the defacto complainant, basing on which, the respondents Police have not only registered the case in Crime No.58 of 2021 for the offence punishable under Sections 294(b), 323, 420 and 506(i) IPC, but also completed the investigation and filed a charge sheet as C.C.No.215 of 2023 for the offence punishable under Sections 294(b), 420, 506(1), 406 and 352 IPC. It is submitted that even according to the facts, the



transaction between the petitioner and the unofficial respondents is purely civil in nature and thereby, he sought for quashment of C.C.No.215 of 2023.

3. The learned Additional Public Prosecutor appearing for the official respondents submits that there are clear overtacts against the petitioner and the defacto complainant has deposited the money as directed by the petitioner in his account to the tune of Rs.15.50 lakhs for providing a job to the son of the defacto complainant in the Forest Department and however, the petitioner could not provide the job and failed to return the money. It is also submitted that when the defacto complainant asked the petitioner in this regard, altercation took place where the petitioner has threatened the defacto complainant and abused him and thereby, the offences under Sections 506(1) and 294(b) IPC are also attracted. It is also submitted that the matter is posted before the trial Court on 26.10.2023.

4. It is a case where the trial is required to be conducted in order to ascertain the truth or otherwise the submission of the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the official respondent and this Court under Section 482



Cr.P.C., cannot conduct the trial. Hence, the matter is required to be sent back to the learned Judicial Magistrate No.II, Sattur, to expedite the trial.

5. It is submitted by the learned counsel appearing for the petitioner that the petitioner has been residing 100 km away from the Court and has been doing money lending business.

6. In view of the above, the presence of the petitioner before the trial Court is dispensed with.

7. Accordingly, this Criminal Original Petition is disposed of directing the learned Judicial Magistrate No.II, Sattur to expedite the trial in C.C.No.215 of 2023. The learned Judicial Magistrate No.II, Sattur, is at liberty to direct the petitioner to appear for answering of 313 examination and for any other purpose where the presence of the petitioner is required. Connected miscellaneous petitions are closed.

Index : Yes/No
Internet : Yes/No
ssb

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To

- 1.The Inspector of Police,
Ammapatti Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

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