IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.160 of 2024

M.Muralidharan ... Petitioner

Versus

1.M/s.Muthoot Finance Private Ltd.,
Branch Code 0933,
No.32, South Care Street,
Represented by Branch Manager,
Tmt.Priyadharshini,
Opposite to Villianur Police Station,
Villianur, Pondicherry – 605 110.

2.Sankari
3.Priyadharshini ... Respondents

PRAYER: Criminal Revision Petition filed under Section 397 and 401 of the Code of Criminal Procedure, to set aside the order dated 19.10.2023 made in Crl.M.P.No.1895 of 2023 on the file of Judicial Magistrate III at Puducherry.

For Petitioner : Mr.P.Dinesh Kumar

O R D E R

This Criminal Revision Petition has been filed to set aside the order dated 19.10.2023 made in Crl.M.P.No.1895 of 2023 on the file of learned Judicial Magistrate No.III at Puducherry.

2.The petitioner had lodged a complaint with the respondent police on 28.11.2022 making specific allegations against the Manager, Muthoot Finance Private Limited and others. This complaint was followed by a reminder dated 16.12.2022 and 27.12.2022 to the respondent police as well as to the Superintendent of Police. Thereafter no action has been taken. Hence, the petitioner filed a petition under Section 156(3) of Cr.P.C. in Crl.M.P.No.1895 of 2023. The Trial Court by order dated 19.10.2023 dismissed the same against which the present revision has been filed.

3.The contention of the learned counsel for petitioner is that petitioner is engaged in milk vending business and for his business purpose he pledged some gold jewels with Puduvai Bharathiar Grama Bank and availed a loan for a sum of Rs.8,75,000/- at the rate of 8.05% interest. The petitioner due to financial circumstances unable to pay the monthly interest to the said bank on time and he was also facing penal interest. Hence, to come out of the situation the petitioner approached the bank for additional loan. The said bank failed to entertain the same. Hence, the petitioner decided to approach private gold loan institutions. At that time, Muthoot Finance Private Limited through the second and third respondent, who are employees of the same institution approached the petitioner and assured that there is a special gold loan scheme with lesser rate of interest and the petitioner can avail the same.

4.The petitioner signed the documents with good faith. Thereafter the Muthoot Finance company paid the amount to Puduvai Bharathiar Grama Bank on 25.02.2022 and the jewels were redeemed and re-pledged by the finance company for Rs.10,10,000/-. The understanding was that the petitioner to pay interest at the rate of 6.90% per annum and he has been regularly making the payment of interest for the initial three months. In the fourth month the respondents failed to receive the loan amount and interest amount stating that by way of new policy, RBI had changed the interest rate and forced the petitioner to pay exorbitant interest. Though the petitioner had sent representation stating this arbitrary action of the respondents, no action had been taken. Hence, the petitioner had lodged a police complaint and thereafter approached the Magistrate Court. The petitioner had produced the relevant documents of the loan, wherein it has been stated that the rate of interest upto 12 months would be 24%. He further submitted that the act of the finance company and his employees is to somehow squeeze the petitioner and people like him so that they are unable to redeem jewels and the jewels are taken to their head office and brought for auction, which they collect themselves and make huge profit. Hence, it is a clear cheating and misappropriation, which fact the Trial Court failed to consider.

5. Considering the submissions made and on perusal of the materials available on record it is seen that the petitioner had submitted the Application Form signed by him to Muthoot Finance company agreeing to all terms and conditions. Apart from the interest rate of 24%, there is also a rebate column which shows the rebate and effective rate of interest subject to the loanees repaying the loan amount within the stipulated time as agreed upon monthly wise. In this case, admittedly the petitioner after three months defaulted in payment of loan and now he is claiming that due to some misunderstanding the loan amount had been received, for which there is no material produced. The petitioner agreed to the conditions for the loan, signed the loan papers, availed the loan amount of Rs.10,10,000/-, paid to Puduvai Bharathiar Grama Bank, redeemed the jewels and also re-pledged the same with Muthoot Finance, now cannot have objections with regard to the quantum of the interest charged. If at all the petitioner got such

grievance, which is against RBI norms, he can very well approach RBI by making complaint and to the ombudsman. This Court finds no reasons to interfere with the well reasoned order of the trial Court. Of course, the petitioner if so advised he can file a private complaint under Section 200 of Cr.P.C.

6.With the above observations, the Criminal Revision Case is dismissed.

12.02.2024

Index : Yes/No
Internet : Yes/No
Speaking order / Non-speaking order
Neutral Citation : Yes/No
rsi

To

The Judicial Magistrate No.III,
Puducherry.

M.NIRMAL KUMAR, J.

rsi

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