



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 19070 of 2022

Alima Banu

...petitioner

Vs.

1.State Represented by
The Inspector of Police,
District Crime Branch,
Villupuram. (Crime No. 16 of 2022)
2.Thanigaivelu

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records pertaining to the first information report in crime No.16 of 2022 on the file of the first respondent and quash the same.

ORDER

The petitioner herein filed this petition to call for the records pertaining to the first information report in crime No.16 of 2022 on the file of the first respondent and quash the same.



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2. The second respondent herein lodged a complaint before the respondent police stating that the petitioner's husband/Abubakkar borrowed a sum of Rs.16,00,000/- from him for interest on various occasions, for running a grocery shop. Thereafter, the petitioner executed a sale agreement for a sum of Rs.30,00,000/- and the second respondent paid a sum of Rs.10,00,000/- as advance on 13.06.2019 and further sum of Rs.10,00,000/- on 15.07.2019 to that effect executed a sale agreement before the Sub Registrar, Tindivanam, in which, the petitioner and his husband agreed to execute the sale deed in favour of the second respondent/defacto complainant within a period of 6 months and also petitioner's husband obtained a sum of Rs.3,00,000/- for interest from the second respondent. When the second respondent asked to repay the loan the petitioner abused the second respondent and threatened him. Thereafter, the second respondent agreed to pay a sum of Rs.41,00,000/- to the petitioner instead he lodged a complaint, when the police investigated the petitioner and his husband agreed to repay the said amount but he failed. Hence, the complaint. Based on the complaint the respondent police filed a FIR in Crime No. 16 of 2022 under Section 410, 469, 471, 294(b), 506(i) of



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2. The learned counsel for the petitioner submits that first accused is the husband of the petitioner herein who was running a grocery shop and borrowed a sum of Rs.2,00,000/- from the defacto complainant/second respondent and paid interest on daily basis. The defacto complainant give a loan with exorbitant interest and insisted the petitioner to execute the sale deed in his favour in respect of property belongs to her minor son for which she refused. But the defacto complainant, clandestinely obtained a original sale deed of the property and also forcefully obtained sale agreement. In fact, they borrowed a loan but they have not inclined to sell the property. Hence, the defacto complainant lodged a false complaint, prays to quash the FIR.

3. The learned counsel for the second respondent submits that petitioner borrowed a loan for business purpose and paid interest. Thereafter, she failed to pay the interest. So there was dispute arose between the parties and the petitioner attempted to cheat the defacto complainant. Subsequently, the petitioner and his husband agreed to execute the sale agreement thereby the sale agreement was executed and the original sale deed was handed over to the defacto complainant. Subsequently, he refused



to execute the sale deed as per the sale agreement. Hence, he filed the suit in O.S No. 329 of 2022 which is pending before the Principal Sub Judge, Tindivanam, for relief of specific performance and also filed another suit for recovery of money against the accused in O.S No. 309 of 2022. Besides, the petitioner and her husband.

4. Considering the submissions on either side and also the materials available on records, it reveals that there was money transaction between the parties. Further, there is sale agreement was entered between the petitioners and the defacto complainant based on that sale agreement civil suit is pending before the Sub court, Tindivanam in O.S No. 329 of 2022. But there no progress in the Trial. Besides, the suit for recovery of money was filed in O.S No. 416 of 2022 and the same was dismissed for default. According to the petitioner, the petitioner had borrowed the money but she is not inclined to sell the property. On seeing the entire fact the defacto complainant lodged a complainant against the petitioner and his wife stating that they were failed to repay the loan amount. Admittedly, based on the agreement he initiated the civil suit and also filed another suit for recovery of money. But, defacto complainant relied the letter given by the first accused petitioner's husband wherein, it was address to the Sub inspector of



police and but the same is not considered as material evidence, on such circumstances entire facts reveals that complaint given by the second respondent is vexatious one and also in respect of money transaction he filed the civil suit which is pending. Hence, there is no incriminating material against the petitioner. Accordingly, FIR filed by respondent police in Crime No. 16 of 2022 is quashed.

5. In the result, this Criminal Original Petition is allowed. No Costs.

24.01.2024

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To
The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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