



Crl.O.P.No.23460 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM:

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

Crl.O.P.No.23460 of 2022

and

Crl.M.P.No.14971 of 2022

1. Kavitha
2. Sarasu @ Saraswathi

... Petitioners

Versus

1. State rep. by
The Inspector of Police,
Velur Police Station,
Namakkal Dt.
(Crime No.224 of 2022)

2. Surya

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Crime No.224 of 2022 on the file of 1st respondent and quash the same as illegal, incompetent and abuse of process by allowing the present Criminal Original Petition.



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For Petitioners : Mr.R.Jayaprakash
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No.224 of 2022 on the file of 1st respondent police.

2. Heard both sides.

3. The petitioners herein are the accused 4 and 5 in the F.I.R. in Crime No.224 of 2022 registered for an offence under Sec.4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 based on the complaint given by the 2nd respondent/defacto complainant. As per the complaint, the allegation against them is that they are receiving exorbitant rate of interest.

4. The learned counsel for petitioners would submit that based on a false complaint, they were dragged on with the proceedings and without any basic materials, they were charged with the aforesaid offence. Hence, they prayed to quash the proceedings initiated against them.



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5. By way of reply, the learned Government Advocate (Criminal side) appearing for 1st respondent would submit that the 2nd respondent borrowed a loan from them, for which, they have charged an exorbitant interest. Furthermore, they have also blocked the entry of 2nd respondent's workshop and restrained his employees from carrying out their business activity. Hence, he raised strong objections.

6. Considering the facts and circumstances and also the fact that the petitioners have charged exorbitant interest for the loan amount borrowed from them, this Court is not inclined to quash the proceedings against them. Accordingly, this Criminal Original Petition is dismissed as no merit. Consequently, connected Criminal Miscellaneous Petition is closed.

12.01.2024

Index: Yes/No

Internet: Yes/No

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To

1. The Inspector of Police,
Velur Police Station, Namakkal Dt.



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2. The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.

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