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Crl.O.P.No.25439 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.25439 of 2024 and
Crl.M.P.No.14270 of 2024

Rajesh Balerao @ Rajesh

... Petitioner

Vs.

1. State of Tamil Nadu
rep. By the Inspector of Police,
E-3, Teynampet Police Station,
Chennai.

2. Tammaiah Naidu

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to Crime No.73 of 2024 pending on the file of the first respondent police and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.T.Gowthaman, Senior Advocate for
Mr.B.Pachaiyappan

For Respondents : Mr.S.Sugendran,
Addl.Public Prosecutor for R1

Mr.S.Udayakumar for R2



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ORDER

This petition has been filed seeking to quash the case in Cr.No.73 of 2024 on the file of the first respondent police insofar as the petitioner is concerned.

2 Learned Senior Counsel for the petitioner submitted that the petitioner has been arrayed as A1 in the case in Crime No.73 of 2024 for an offence under Sections 406 and 420 r/w 34 IPC. The petitioner borrowed a sum of Rs.40.00 lakhs from the second respondent executing three pro-notes and also the petitioner issued three cheques as security for the amount. The petitioner repaid a sum of Rs.10.00 lakhs, which is also admitted by the second respondent. But now the second respondent demanding Rs.55.00 lakhs calculating interest @ 24% per annum and threatened the petitioner to comply with his illegal demands.

2.1 Learned Senior Counsel further submitted that the complaint of the second respondent itself clear that the dispute between the petitioner and the second respondent is purely civil in nature, which is relating to a loan transaction repayable with interest. Therefore registering criminal case for the civil dispute is not permitted in law. Hence the case in Crime No.73 of 2024 has



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to be quashed insofar as the petitioner is concerned.

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3 Heard the learned Senior Counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent police and also the learned counsel for the second respondent and perused the materials available on record.

4 It is seen that the dispute between the petitioner and the second respondent is purely civil in nature, which relates to money transaction between the parties and there was also execution of pronotes and cheques. Therefore it is clear that the civil dispute has been colored as criminal case. Hence this Court is inclined to quash the above case.

5 Accordingly the case in Crime No.73 of 2024 is hereby quashed insofar as the petitioner herein is concerned. However, the second respondent/defacto complainant is at liberty to workout his remedy in the manner known to law.



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6 With the above directions, this criminal original petition stands allowed. Consequently connected miscellaneous petition is closed.

14.11.2024

Speaking Order/Non Speaking Order
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To

1. The Inspector of Police,
E-3, Teynampet Police Station,
Chennai.
2. The Public Prosecutor, Madras High Court.



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P.VELMURUGAN, J.,

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