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Crl.O.P.No.29638 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 01.02.2024**

**CORAM**

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

Crl.O.P.No.29638 of 2022

and

Crl.M.P.No.18131 of 2022

1.Dr.M.Ravichandran

2.Aruna Rani

... Petitioners

Vs.

1.State rep. By

The Sub- Inspector of Police,  
District Crime Branch,  
Thiruvallur.  
(Crime No.61 of 2022)

2. Dr.R.Kumaran @ Rajesh

... Respondents

**Prayer:** Criminal Original Petition filed under Section 482 of Cr.P.C.,  
praying to call for the records and to quash the FIR in Crime No.61 of 2022  
pending investigation on the file of the 1<sup>st</sup> respondent.

|                 |                           |
|-----------------|---------------------------|
| For Petitioners | : Mr.R.Chandrasekaran     |
| For R1          | : Mr.S.Vinoth Kumar       |
|                 | Govt. Advocate (Crl.Side) |
| For R2          | : Mr.M.Aswin              |



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### **ORDER**

The petitioners have filed this petition to quash the FIR in Crime No.61 of 2022 pending investigation on the file of the 1<sup>st</sup> respondent, for the offences under Sections 294(b), 506(i) of IPC, read with 3, 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, as against the petitioners.

2. The case of the prosecution is that the 1<sup>st</sup> petitioner is a Doctor and he is running a Hospital and the 2<sup>nd</sup> petitioner is his wife, and the petitioners are doing service to the General Public in the locality. The petitioners have two daughters, they have completed MBBS and they both serving as a Doctor. The 2<sup>nd</sup> respondent approached the petitioners and gave false promise that he will get PG seat for the petitioners daughters and instigated the petitioners and received a sum of Rs.1,18,53,500/-. The 2<sup>nd</sup> respondent neither got the PG seat, not returned the money to the petitioners. Instead of that the defacto complainant gave a complaint against the petitioners that he received as loan for his family expenses.



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3. The learned counsel for the petitioners submitted that the defacto complainant neither get the PG seat for the petitioners daughters. Therefore, the petitioners approached the defacto complainant to refund the amount, but the 2<sup>nd</sup> respondent had threatened the petitioners with dire consequences. Immediately, on 16.05.2022 itself, the petitioners have given complaint against the de-facto complainant before the 1<sup>st</sup> respondent in Crime No.60 of 2022, dated 21.09.2022. He further submitted, in order to avoid and escape from the offences, he filed a false complaint against the petitioners before the 1<sup>st</sup> respondent in Crime No.61 of 2022. Hence, he prays to quash the FIR in Crime No.61 of 2022, filed against the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that the defacto complainant received a sum of Rs.1,18,53,500/- from the petitioners to get MD (PG) seat for the petitioner's daughters. He neither get the seat and nor returned the money to the petitioners. He also submitted that when the petitioners demanded money from the defacto complainant he gave a counter complainant against them. Based on the complainant, FIR was registered in Crime No.61 of 2022, for the offences under sections 294(b), 506(i) of IPC, read with 3, 4 of Tamil



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Nadu Prohibition of Charging Exorbitant Interest Act.

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5. Considering the submission made by the learned counsels on both sides and also considering the fact that based on the complaint lodged by the petitioners in Crime No.60 of 2022, as a counter blast, this complaint was lodged by the defacto complainant in Crime No.61 of 2022, and there is no basic ingredient to the prosecution to attract the offences charged against the petitioners. Admittedly, both the petitioners are Doctors by profession, when they demanded their money, the defacto complainant falsely implicated them in this case. It is a clear case of abusing process of law, hence this Court is inclined to quash the proceeding against the FIR in Crime No.61 of 2022 on the file of the 1<sup>st</sup> respondent.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

01.02.2024

Index: Yes/ No  
Neutral Citation: Yes/No  
rri



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WEB COPY **To**

1. The Sub- Inspector of Police,  
District Crime Branch,  
Thiruvallur.
- 2.The Public Prosecutor,  
High Court of Madras.



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**T.V.THAMILSELVI, J.**

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**01.02.2024**