



CRL OP(MD). No.8573 of 2024:-

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Reserved on : 28.06.2024

Pronounced on : 03.07.2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). Nos.8573, 8540 & 9039 of 2024

CRL OP(MD). No.8573 of 2024:-

Murugan,

... Petitioner/ Accused 5

Vs

1 The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
Cr.No.165 of 2024.

... Respondent/Complainant

(*)2 The Deputy Superintendent of Police,
CBCID,
Virudhunagar.

... 2nd Respondent

(*)R2 is suo-motu impleaded as per order of the
Court dt.03/07/2024 in CrI.OP(MD).8573, 8540 &
9039 of 2024.

For Petitioner : Mr.Mohammed Aathif, Advocate
for Mr.E.Mareeskumar, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor



CRL OP(MD). No.8573 of 2024:-

CRL OP(MD). No.8540 of 2024:-

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P.Manivannan

... Petitioner/ Accused 6

Vs

1 The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
Cr.No.165 of 2024.

... Respondent/ Complainant

(*)2 The Deputy Superintendent of Police,
CBCID,
Virudhunagar.

... 2nd Respondent

(*)R2 is suo-motu impleaded as per order of the
Court dt.03/07/2024 in CrI.OP(MD).8573, 8540 &
9039 of 2024.

For Petitioner : Mr.J.Jeyakumaran
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

CRL OP(MD). No.9039 of 2024:-

Murugan,

... Petitioner/ Accused 3

Vs

1 State rep by:
The Deputy Superintendent of Police,
Thiruthangal Police Station,
Virudhunagar District.
Cr.No.165 of 2024.

... Respondent/ Complainant

(*)2 The Deputy Superintendent of Police,
CBCID,
Virudhunagar.

... 2nd Respondent

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9039 of 2024.

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CRL OP(MD). No.8573 of 2024:-

For Petitioner : Mr.G.Karuppasamy Pandian, Advocate
for Mr.S.Saravanan, Advocate
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :- For Bail in Crime No.165 of 2024 on the file of the respondent police.

COMMON ORDER:The Court made the following common order :-

The petitioners are the accused 5,6 and 3 in Crime No.165 of 2024, on the file of the respondent police. They were arrested and remanded to judicial custody on 09.05.2024 and 31.05.2024 for the offences punishable under Section 174 of Cr.P.C and Sections 4 & 9 of Tamil Nadu Prohibition of charging Exorbitant Interest Act r/w 306 of IPC. Therefore, they have filed these petitions, seeking bail.

2.The case of the prosecution is that one Lingam, aged about 45 years, along with his wife Palaniammal, aged about 47 years, Anandhavalli, their daughter (28 years), their son Aditya(13 years) and a grand child, Sasthika (3 months) have committed suicide on 22.05.2024. Since their house was not opened even after 11.00.a.m on the next day, the relatives of the deceased have informed the defacto complainant, the father of the deceased Lingam and on his arrival, the house was broke open and they found that all these above five persons were found dead.

3.The further case of the prosecution is that the deceased Lingam and his wife Palaniammal were working as teachers in a Government School. They were



CRL OP(MD). No.8573 of 2024:-

WEB COPY

said to have borrowed money from various persons to the tune of Rs.1 Crore and were not in a position to repay the amount. Hence, they have committed suicide. The deceased Lingam has already attempted to commit suicide by consuming some tablets on 23.02.2024 and at that time, the Special Sub Inspector of Police, Thiruthangal has recorded his statement through video from the deceased Lingam, wherein, he has stated that he was driven to that extent of committing suicide due to the demand of exorbitant interest by one Krishnan (A2), Meenakshi Akka (not shown as accused), Maruthupandi(not shown as accused), Arunkumar (A1), Murugan (A5), Manivannan (A6). The Investigating Agency has also collected the suicide note from the deceased Lingam. However, they have not taken any action to ascertain as to whether those persons have collected exorbitant interest from the deceased Lingam and had given pressure on the deceased to commit suicide. In the suicide note, it has been stated that A1, Arunkumar said to have demanded the amount from Lingam's wife till the payment of his loan amount. Others have intimidated that they would foist a case as against his daughter and other family members. Even then, the respondent police has not acted upon. Therefore, the entire family has committed suicide in the month of May 2024.

4.Though the respondent police is having sufficient materials that the deceased have committed suicide on account of demand of exorbitant interest, the



CRL OP(MD). No.8573 of 2024:-

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case was registered only under Section 174 of Cr.P.C on 23.05.2024. Thereafter, it has been altered for the offences under the provisions of Prevention of charging Exorbitant Interest Act. This Court has called for the CD file and perused the same. Till 24.05.2024, the case is only under Section 174 of Cr.P.C. Suddenly, on 27.05.2024, it is stated that the offence under Sections 4 & 9 of Act have also been added on 31.05.2024. It appears that subsequently A1 to A6 have been arrested and remanded to judicial custody. These applications are filed by Murugan,S/o.Seeni Thevar, (A5), P.Manivannan S/o Pannerselvam,(A6) Murugan, S/o.Veyilmuthu (A3).

5.The learned counsel appearing for the petitioners submits that the petitioners have not collected any exorbitant interest from anybody. The deceased Lingam has borrowed money from various persons and he has filed a suit in O.S.No.49 of 2024 before the District Munsif Court, Sivakasi as against those money lenders, wherein, he has added 33 persons as defendants, who have demanded exorbitant interest from him. According to the learned counsel, these petitioners have not been shown as defendants in that suit filed by the deceased Lingam. Copy of the plaint in O.S.No.49 of 2024 is also been placed before this Court.

6.The learned counsel appearing for the petitioner in Crl.OP(MD) No.8573 of 2024 states that he is only a salesman in a Fair Price Shop. In fact, he has helped the deceased Lingam to bail out from the problem faced by him. Unfortunately, he was



CRL OP(MD). No.8573 of 2024:-

WEB COPY

also added as an accused in this case. The learned counsels have pointed out that there is no specific averments as against these petitioners.

7.The learned counsel for the petitioner in Crl.OP(MD) No.8540 of 2024 submits that this petitioner Manivannan has already filed a complaint as against the deceased Lingam for the offence punishable under Sections 138 of Negotiable Instruments Act,1881 and therefore, he has been added as an accused in this case. He also referred to the suit filed by the deceased Lingam and his wife in OS.No.49 of 2024 and states that his name has not been shown as defendant in that suit. He further submits that the respondent police has not taken any steps as against those defendants in the suit. Instead, they have arrested this petitioner, whose name has not even been mentioned in the suit filed by the deceased in OS.No.49 of 2024.

8.The learned counsel for the petitioner in Crl.OP(MD) No.9039 of 2024 submits that the name of this petitioner, Murugan, S/o Veyilmuthu has not been shown as defendant in the suit filed by the deceased Lingam in O.S.No.49 of 2024. However, the case has been registered by adding this petitioner also as an accused.

9.The deceased 1 & 2 have filed a suit as against 33 persons, seeking decree as against those defendants not to interfere with the plaintiffs' peaceful possession of the suit schedule property, wherein, the plaintiffs have made following averments and the same is extracted as under:



CRL OP(MD). No.8573 of 2024:-

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“4.The plaintiffs have got their elder daughter married by borrowing money from D1,2,5 in the year 2011 by signing blank cheques and pro notes and various blank Rs.20/- stamp papers. All the blank cheques belong to the Thiruthangal State bank of India. The D1, 2,5 lent money for interest at the rate of 15 percent month for nearly 10 lakhs rupees. The plaintiffs were paying interest regularly and intermittently tuning up above the principal amount. As they were not able to pay further interest, they borrowed from the other defendants 7, 8, 11 and they borrowed from all other defendants at various years since 2011 to 2023.

5.All the borrowed money was done only by the second plaintiff but borrowed in the name of both plaintiffs. The 1st plaintiff does not have any direct connection with all the defendants and she never know whether they black or white and she does not even know their identity. The documents related to the 1st plaintiff are a mere execution only and never held any contractual liability from her to the defendants. It was signed and given to the second plaintiff only and not meant to any of the defendants straightly. The bland documents which are in the hands of the defendants are only unilateral and not bilateral.

6.As the plaintiffs were sinking into debts with exorbitant interest rates as



CRL OP(MD). No.8573 of 2024:-

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demand by the defendants time to time from 10 to 20 percent per month for each borrowed amount the plaintiffs were daringly threatened by the defendants with all those blank cheques, blank Rs.20 bond stamp papers, blank pronotes, blank concur sheets some of which are signed by both the plaintiffs and some of them signed individually as security and demand more and more amount of exorbitant interest by each defendants daily.

7.The plaintiffs being government employees were frightened to use the blank documents by all the defendants and prosecute them for enormous amount to repay. Not knowing what to do the second plaintiff some how to escape from the clutches of the creditors were dragged to borrow more and more from every defendants and to many defendants the plaintiffs have repaid 10 times than the amount they borrowed. The net amount the 2nd plaintiff would have borrowed from all the defendants would sum up approximately to Rs.50,00,000/-. But the amount he repaid as interest will approximately amounts to Rs.1 Crore.

8.The plaintiff would submit that as the usual behaviour of the exorbitant interest mongers the defendants also made it as their routine work to end up in quarrel daily at the suit scheduled property since the year 2022. Then and there, the D 19 and 21 merged themselves with other defendants and made



CRL OP(MD). No.8573 of 2024:-

pockets and planned routinely to mentally torture the plaintiffs at the suit scheduled property daily since 2022 till last month.

9.The 2nd plaintiff was very much depressed and stumbled into mental illness. Both the plaintiffs were agitated daily at the suit scheduled property and the defendants took further moves to torture them by creating chaos at their working places also. The plaintiffs were not able to live peacefully at the suit scheduled property. Their peaceful existence at the suit scheduled property is being questioned by the defendants in the name of demanding exorbitant interest which is illegal.

10.To the height of the torture the defendants holding themselves as many pockets threatening the plaintiffs to fill up those blank documents for exorbitant amounts and illegally claim more money from the plaintiffs. The second plaintiff already being mentally depressed by the illegal activities of the defendants that too in the suit scheduled property, which is a rented house was taking psychiatric treatment. On 23.02.2024 due to to the raising torture of the defendants, he took 30 tablets at a time and attempted to commit suicide at the suit scheduled property.

11.The 1st plaintiff some how admitted him to Virudhunagar Government Hospital and he was kept under ICU from 23.02.2024 to 27.02.2024. For now



CRL OP(MD). No.8573 of 2024:-

the plaintiffs are not able to lead peaceful life at the suit scheduled property and their civil right of peaceful residence is being disturbed by the defendants in the name of exorbitant interest charging. When the 2nd plaintiffs was admitted in the Hospital many police officials came and took videos of the 2nd plaintiff and no action was taken against the defendants. Many statements was received from the 1st plaintiff who is innocent about the defendants, their lending and interest rates and repayments made.

12.In the meantime, the 2nd plaintiff after discharging from the hospital is now leading a miserable life amidst the continuing tortures of the defendants till now. As there was no actions taken by the police against the defendants, the second plaintiff sent a complaint against the defendants on 06.03.2024. Even after the life attempt made by the 2nd plaintiff, the plaintiffs now rescinding themselves from all the blank documents received by the defendants at various dates and approach the Honourable Court for proper justice. The plaintiffs would also say that they have denoted the identity of those defendants and their addresses along with their phone numbers by their utmost efforts. The defendants are now threatening to fill those blank documents in their binami names and sue the plaintiffs illegally.

13.The plaintiffs being continuously infringed of their civil rights at the



CRL OP(MD). No.8573 of 2024:-

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scheduled property have now approached the court for justice. The plaintiffs will be able to enter their house peacefully, if the Court decrees in favour of the plaintiffs and thus render justice”

10.Since the deceased had made specific allegations as against defendants in the civil suit filed in OS.No.49 of 2024 for demand of exorbitant interest, this Court verified with the learned Additional Public Prosecutor as to the steps taken by the Investigating Agency to find out the materials and the course of action by them with regard to the averment in the said suit. The learned Additional Public Prosecutor, assisted by the Police officer states that he is not having any instructions with regard to the said suit and they have fixed only six persons as accused, who are responsible for the demand of exorbitant interest from the deceased. The learned Additional Public Prosecutor after verifying from the Sub Inspector of Police states that the deceased Lingam has made an attempt to commit suicide in the month of February 2024 and at that time the police has recorded the statement from the deceased Lingam and based on that statement, action has now been taken. According to the police officer, who was present in the Court, it was only six persons pointed out by the Lingam on 23.02.2024 that they demanded exorbitant interest and on account of that, he had attempted to commit suicide.

11.The allegations as against the accused persons is that they have



CRL OP(MD). No.8573 of 2024:-

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demanded exorbitant interest from the deceased Lingam. Therefore, he along with his family members were driven to commit suicide, including three months old baby.

Though the case was registered on 23.05.2024, the offence was altered only on 31.05.2024. The investigating Agency has not collected any materials with regard to the suit filed by the deceased in OS.No.49 of 2024. The petitioners have made statements before this Court that they are not doing any finance business. The Investigating Officer was not in a position to convince this Court as to whether these petitioners are money lenders or not? Therefore, this Court has passed an order on 20.06.2024 as under:

“7.This Court is of the view that the investigation agency has not even verified the said suit filed by the deceased Nos.1 and 2 prior to the commission of suicide and conducted the investigation in a mechanical manner.

8.The petitioners claim that they are not doing any finance business and not demanded any exorbitant interest from the deceased. Though the occurrence was taken place on 23.05.2024, the investigation agency has not collected the material about the petitioners, whether they are doing any finance business and whether they are in the habit of collecting exorbitant interest.



CRL OP(MD). No.8573 of 2024:-

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9.This Court feels that in this case, the investigation has not been conducted in a proper manner. Therefore, the Superintendent of Police, Virudhunagar District is directed to entrust the investigation with an officer in the rank of Deputy Superintendent of Police, preferably a newly recruited officer from Group-I service and file a report before this Court as to the role of the petitioners in the commission of offence. The new investigation officer shall also gather the details of the suit in O.S.No.49 of 2024, pending before the District Munsif Court, Sivakasi and find out the role of others in the commission of offence, if any.”

12.The Deputy Superintendent of Police, Sivakasi is present before this Court and has filed a report that the petitioner in CrI.OP(MD) No.8573 of 2024, namely, Murugan has lent a sum of Rs.3,00,000/- to the deceased Lingam and collected 10% of interest per month. Two blank cheques have been obtained by him and complaints were filed under Section 138 of Negotiable Instruments Act. The complaint was lodged as against the wife of Lingam, one Palaniammal by using the unfilled cheques given by the deceased Lingam at the time of borrowing money. A similar statement has been made as against the accused Manivannan/the petitioner in CrI OP(MD) No.8540 of 2024. Insofar as the petitioner in CrI.OP(MD) No.9039 of



CRL OP(MD). No.8573 of 2024:-

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2024 is concerned, the Deputy Superintendent of Police in her report has stated that the petitioner has lent Rs.30 Lakhs to the deceased for more interest as a surety. The accused has grabbed Rs.2 Crore worth of property belong to the deceased Lingam for a sale by creating a sale deed. The deceased has made arrangement to sell the subject property to one Chandrasekaran for a sum of Rs.1 Crore and 80 Lakhs. However, the accused did not agree for that and he has demanded Rs.1 Crore for executing the sale deed. It appears that the Investigating Agency has also recorded a statement from the proposed purchaser, Chandrasekaran and also collected some note books.

13.This Court heard the learned counsel for the petitioners, learned Additional Public Prosecutor and also perused the CD files produced by the respondent police.

14.The deceased 1 & 2 are teachers, working in a Government School. They have committed suicide along with their family members, including three months old baby. It appears that they are also having a property worth about Rs.2 Crores, which is now in the custody of the accused Murugan, S/o.Veyilmuthu. The neighbours of deceased one Maheswari, Gandhimathi and Subbulakshmi have given statements that the money lenders have quarrelled with the deceased. The deceased Lingam appears to have attempted to commit suicide on 23.02.2024 and he was also admitted in the Government Hospital, Thiruthangal. The Special sub Inspector of



CRL OP(MD). No.8573 of 2024:-

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Police one Venkateshwaran along with police constable 2371 of Thiruthangal Police Station have went for examination of the deceased Lingam in the Government Hospital on 23.02.2024. They have recorded the statement of the deceased Lingam through video. They have also examined the wife of the Lingam and recorded her statement on that day and registered the case as petition Enquiry in CSR No.74 of 2024. However, the same appears to have been closed at request of the deceased Lingam. The statement of the Venkateshwaran and the police constable 2371 were collected. The video was also recovered by the Deputy Superintendent of Police by fulfilling the requirement under Section 65 (b) of the Indian Evidence Act. The Deputy Superintendent of Police has arrested the accused 1 to 6 and has recovered the unfilled cheques of the deceased Lingam from the accused Krishnan and a document executed by the father of the deceased Lingam from the said Krishnan. However, no such documents have been recovered from the other accused. The statement recorded by the Deputy Superintendent of Police reveals that the accused have went to an extent of demanding the wife of the deceased Lingam for the sake of interest. This is not an exaggerated version and this is the sorry state of affairs in the State. This Court has come across with such circumstances in several cases and almost 4 to 5 cases are reported before this Bench for demand of exorbitant interest. In this case, the details about the demand of exorbitant interest was very much available



CRL OP(MD). No.8573 of 2024:-

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when the deceased Lingam has attempted to commit suicide for the first time. The statements of the deceased 1 & 2 were recorded on that date itself through video. That statement is also filed before this Court, wherein, the deceased has clearly stated about the manner in which, the accused persons have demanded exorbitant interest. However, the respondent police has not acted upon. In order to protect his property from the money lenders, the deceased has filed a suit in O.S.No.49 of 2024 before the District Munsif Court, Sivakasi, wherein, he has made specific averment of demand of exorbitant interest. Even then, there was no action on the side of the respondent police. Ultimately, he has committed suicide with his entire family.

15.This Court is of the view that the inaction on the part of the Thiruthangal police has let the deceased to commit suicide. In the event, if the Thiruthangal police has taken some strict action as against the accused persons, who have demanded the exorbitant interest, the life of the deceased and others could have been saved. The Police Department has been established and provided with several powers is not only to take action as against the offenders, but also to prevent the offences. However, in recent days, the Police Department is waking up only after the incidents have taken place. Though the Tamil Nadu Police is having a separate Department for Prohibition and Enforcement Wing with the efficient officials to monitor the Department, the police officers are waking up only after 50 deaths in



CRL OP(MD). No.8573 of 2024:-

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Kallakurichi hooch tragedy. The Government has now found that the illicit liquor was sold within 200 meters from the police station and there was a nexus between the police and arack sellers. However, it appears that some action has been taken as against the concerned Superintendent of Police and other erring officials. Raids have been conducted all over Tamil Nadu and several accused were arrested, who are all involved and the seized arack was destroyed. This incident expose the manner, in which, the police Department in the State of Tamil Nadu is functioning.

16.In the present case on hand, five persons died by attempting suicide due to the menace of demand of exorbitant interest. The Tamil Nadu Prohibition of Charging of exorbitant Interest Act, 2003 was enacted in the year 2003 only after similar such incidents have been taken place in the year 2003. Though this ordinance was made in the year 2003, the object for which, the ordinance has been established has not been achieved even after 20 years. Some persons are still indulging in such activity. Though, the law enforcement authorities are capable of taking action as against those persons, they have not acted upon. This case itself is an example how the Investigating Agency is functioning even after a complaint in the month of February 2024. The inaction of the authorities, which lead to the death of the entire family of five. Even after the death of five persons, the Government is not waking up as that of Kallakurichi incident and has not taken any proper steps till date. There



CRL OP(MD). No.8573 of 2024:-

was some investigation on 23.05.2024 such as, sending the bodies for post mortem and recording the statements from the neighbours of the deceased family. Thereafter, on 31.05.2024, they have arrested the accused persons. The investigating agency is not aware of the suit filed by the deceased in OS No.49 of 2024 till the same has been placed before this Court. In such a manner, the investigation has been conducted. The statements under section 161(3) of Cr.P.C alone have been recorded from the accused. The Deputy Superintendent of Police has not recovered any incriminating materials or any documents from the accused and also not collected any materials in order to ascertain as to whether the arrested accused are indulging in the habit of collecting exorbitant interest from others. The petitioners have been arrested based on the statement of the deceased Lingam, which was recorded on 23.02.2024, when he had attempted to commit suicide in the earlier occasion. Though there are averment as against the accused one Meenakshi Akka and one Marthupandi, the Deputy Superintendent of Police has not taken any steps to arrest those two persons and this Court wants to reiterate that it is the quality of investigation conducted by the Investigating officer and the Deputy Superintendent of Police.

17.This Court is of the view that the deceased may not get proper justice, if the investigation is allowed to be continued with the respondent police. Considering the nature of offence and its consequences, this Court is not inclined to



CRL OP(MD). No.8573 of 2024:-

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grant bail to these petitioners. Accordingly, all these Criminal Original Petitions are dismissed. However, while dismissing these applications, this Court suo motu impleads the Deputy Superintendent of Police, CBCID, Virudhunagar as a party to this petition and further investigation in this case shall be entrusted to the Deputy Superintendent of Police, CBCID, Virudhunagar forthwith. The Deputy Superintendent of Police shall conduct a thorough investigation as against the persons mentioned as defendants in OS No.49 of 2024 and also mentioned in the statement of the deceased, which was recorded on 23.02.2024 and to find out the truth whether they are indulged in collecting exorbitant interest and take appropriate action as against those persons. The Deputy Superintendent of Police shall also find out the truth as to whether there is any support from any of the police officers to the accused to prevent the course of action as against them. An effective investigation after five deaths would atleast prevent any such incidents like this in future. This Court is of the view that taking proper course of action only renders justice to the deceased in this case.

sd/-

03/07/2024

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Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.



CRL OP(MD). No.8573 of 2024:-

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1 THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

2 THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, VIRUDHUNAGAR.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.

5 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MAREESKUMAR.E Advocate SR.No.7405 (I) DT.04/07/2024

+1. CC to M/S.S.SARAVANAN, Advocate SR.No.7332 (I) DT.03/07/2024

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CRL OP(MD). No.8573 of 2024:-

ORDER
IN

CRL OP(MD). Nos.8573, 8540 & 9039 of 2024

Date :03/07/2024

SA/JGB/SAR. /11.07.2024/21P/9C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.