



Crl.O.P.(MD) No.13252 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM

**THE HON'BLE MRS.JUSTICE R.HEMALATHA**

**Crl.O.P.(MD) No.13252 of 2021**

and

**Crl.M.P.(MD) No.6828 of 2021**

Sukumar @ Sukumaran

... Petitioner

Vs.

1.State rep. by  
The Inspector of Police,  
Karuppayoorani Police Station,  
Madurai.  
In Crime No.400/2013

2.Raman

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records relating to the charge sheet in C.C.No.836 of 2019 on the file of the Judicial Magistrate Court No.I, Madurai and quash the same against this petitioner alone.

For Petitioner : Mr.R.Maheswaran

For R1 : Mr.K.Sanjai Gandhi  
Government Advocate (Crl. Side)

For R2 : Mr.M.Jeyakumar



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## **ORDER**

**WEB COPY** Seeking to quash the final report in C.C.No.836 of 2019 on the file of the Judicial Magistrate Court No.I, Madurai, the present Criminal Original Petition is filed.

2. The case of the prosecution against the present petitioner (A2) is that he introduced the second respondent/*de facto* complainant to the first accused, in whose favour, the *de facto* complainant executed a sale deed dated 11.03.2013 registered as Document No.1001/2013 on the file of the Sub Registrar, Thallakulam, Madurai District, in respect of the lands in Survey Nos.66/1A and 66/2, Managiri Village, Madurai District. According to the prosecution, all the accused including the present petitioner promised the *de facto* complainant that if the *de facto* complainant repays the amount of Rs.20,00,000/- obtained by him from the first accused as a loan, the first accused would execute a reconveyance deed in his favour. Subsequently, the first accused did not keep up his promise.

3. Based on the complaint given by the *de facto* complainant, an FIR in Crime No.400 of 2013 was registered by the Inspector of Police,



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Karuppayoorani Police Station, Madurai against all the accused for the offences punishable under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 506(i) of IPC. Subsequently, the investigation was transferred to the District Crime Branch, Madurai. The Inspector of Police District Crime Branch, Madurai after concluding investigation laid a final report in C.C.No.836 of 2019 before the Judicial Magistrate Court No.I, Madurai for the offences punishable under Sections 506(1), 420 read with Section 34 of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 against A1 to A3.

4. Mr.R.Maheswaran, learned counsel for the petitioner (A2) would contend that no offence is made out against the present petitioner and that even as per the version of the prosecution, he had only introduced the *de facto* complainant to the first accused. It is his further contention that the *de facto* complainant, who was working as a Deputy Commissioner in Tamil Nadu Commercial Tax Department, had executed the sale deed in favour of the first accused in respect of his property after receiving the entire sale consideration. However, the *de facto* complainant states that this amount was received by him only as a hand loan and the sale deed



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was executed in favour of the first accused on the promise that a reconveyance deed would be executed by the first accused when the entire amount is re-paid by the *de facto* complainant.

5. The learned counsel for the petitioner drew the attention of this Court to the suit filed by the *de facto* complainant in O.S.No.143 of 2014 before the IV Additional District Court, Madurai for a declaration that the sale deed dated 11.03.2013 is null and void and for a permanent injunction restraining the first accused from interfering with his peaceful possession and enjoyment of the suit property and submitted that the learned IV Additional District Judge, Madurai after full trial dismissed the suit *vide* his decree and judgment dated 04.12.2021. According to him, the present petitioner did not instigate the *de facto* complainant to pay exorbitant rate of interest or did not have any intention of cheating the *de facto* complainant as alleged by the prosecution.

6. Per contra, Mr.M.Jeyachandran, learned counsel for the second respondent/*de facto* complainant would contend that the present petitioner persuaded the *de facto* complainant to execute the sale deed as it is a usual practice in the village for obtaining loan and believing his words, the *de*



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*facto* complainant executed the sale deed dated 11.03.2013 in favour of the first accused Perumal. However, even after receipt of the entire loan amount with interest by the first accused from the *de facto* complainant, the first accused did not execute the reconveyance deed as promised by him. Instead, he threatened the *de facto* complainant with dire consequences. His further contention is that the *de facto* complainant had filed an appeal before this Court in A.S.(MD) No.226 of 2022 for setting aside the decree and judgment dated 04.12.2021 passed by the learned IV Additional District Judge, Madurai in O.S.No.143 of 2014.

7. Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) for the first respondent would contend that the police after conducting proper investigation filed the final report and therefore, there is no valid ground to quash the same. He therefore prayed for dismissal of this Criminal Original Petition.

8. It is pertinent to point out that the *de facto* complainant is well educated and was working as a Deputy Commissioner in Tamil Nadu Commercial Tax Department and subsequently retired on attaining superannuation. He has taken a stand that he executed a sale deed as a



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security for the loan obtained by him from the first accused and the first accused also promised him that a reconveyance deed would be made as soon as the entire loan amount with interest is liquidated. It is incomprehensible as to how a person like the present *de facto* complainant executed a sale deed for obtaining a loan.

9. The present petitioner (A2) had only introduced the *de facto* complainant to the first accused. The transaction is only between the *de facto* complainant and the first accused. Moreover, the suit filed by the *de facto* complainant against the first accused before the IV Additional District Court, Madurai seeking for a declaration that the sale deed dated 11.03.2013 executed by the *de facto* complainant in favour of the first accused is null and void and for a permanent injunction restraining the first accused from interfering with the peaceful possession and enjoyment of the suit property, was dismissed on 04.12.2021. The learned IV Additional District Judge in the judgment had observed that the *de facto* complainant was in the habit of obtaining loans by executing various mortgage deeds and sale agreements and had never repaid the same.



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10. In any event, the allegation made against the present petitioner in the final report is very vague and merely because he had introduced the *de facto* complainant to the first accused, he cannot be charged for the offences punishable under Sections 506(1), 420 read with Section 34 of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003. In fact, there is nothing on record to show that the petitioner had dishonest intention of cheating the *de facto* complainant right from the beginning.

11. Under these circumstances, the final report in C.C.No.836 of 2019 on the file of the Judicial Magistrate Court No.I, Madurai is quashed as far as the present petitioner alone is concerned.

12. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

18.03.2024

Index: Yes/ No  
Neutral Citation: Yes / No  
Speaking Order / Non-Speaking Order

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Copy To:

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- 1.The Judicial Magistrate No.I,  
Madurai, Madurai District.
- 2.The Inspector of Police,  
Karuppayoorani Police Station,  
Madurai, Madurai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**R.HEMALATHA, J.**

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