



Crl.O.P.(MD)No.11414 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD) No.11414 of 2024 and
Crl.MP(MD) Nos.7351 & 7352 of 2024

1.P.Ayyaduraipandian
2.A. Akilandeswaran
3.K. Uthandaraj
4.R. Vijayaragunathan

... Petitioners

Vs

1.The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.

2.KRS.Ponnusamypandian

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in CC No. 534 of 2023 on the file of the Learned Judicial Magistrate-II, Kovilpatti and quash the same as against the petitioners.

For petitioner : Mr.R.Vijayakumar
For R1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.side)



Crl.O.P.(MD)No.11414 of 2024

ORDER

WEB COPY

The petitioners/accused in CC No. 534 of 2023, pending on the file of the Judicial Magistrate Court No.II, Kovilpatti has approached this Court to quash the above proceedings.

2.The case of the prosecution is that the defacto complainant has borrowed some amount from the first petitioner, for which, the defacto complainant and his son have executed a registered sale agreement with the first petitioner as a security. Since the petitioners have collected exorbitant interest, the defacto complainant refused to repay the amount. Therefore, he was threatened by the petitioners with dire consequences. Hence, a case in Crime No.270 of 2022 has been registered as against the accused persons for the offence under Sections 294(b), 506(ii) and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003. After investigation, final report has been filed and the same has been taken on file in CC No. 534 of 2023 by the Judicial Magistrate-II, Kovilpatti.



Crl.O.P.(MD)No.11414 of 2024

3.The learned Counsel for the petitioners has raised various grounds to quash the above proceedings as against the petitioners that the defacto complainant is a real estate dealer and he has made several registered sale agreements with the first petitioner/accused.

4.Mr.M.Sakthi Kumar, learned Government Advocate(Crl.side), who takes notice for the official respondent strongly objects for quashing the proceedings in CC No.534 of 2023 and submits that the grounds raised by the petitioners is a matter for trial. He further submits that for the property worth about Rs.1 Crore and above, a document has been created for Rs.18 Lakhs and the said property has been given by the defacto complainant as a security purpose alone.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. side) appearing for the first respondent.

6.Though the petitioners have raised several grounds, this Court is of the opinion that it can be appreciated only during the trial.

Therefore, this Court is not inclined to entertain this petition and



Crl.O.P.(MD)No.11414 of 2024

accordingly, this Criminal Original Petition is dismissed. However, liberty is granted to the petitioners to raise all these grounds before the trial Court, during trial. Consequently, connected miscellaneous petitions are closed.

24.07.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes
vrn

To

- 1.The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.11414 of 2024

B.PUGALENDHI,J

vrn

Order made in
Crl.OP(MD) No.11414 of 2024 and
Crl.MP(MD) Nos.7351 & 7352 of 2024

24.07.2024