



Crl.O.P.(MD)No.16337 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.16337 of 2022

and

Crl.M.P(MD) No.10849 of 2022

1.A.Vasumathi

2.A.Annamalai @ Selvam

3.A.Nagappan @ Vimal

... Petitioners/Accused Nos.1 to 3

Vs.

1.The Inspector of Police,
K.Pudur Police Station,
Madurai City.
Crime No.1851 of 2020.

...1st Respondent/Dejure
Complainant

2.S.Senthilkumar

...2nd Respondent/Defacto Complainant

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records connected with the case in C.C.No.549 of 2021 pending on the file of the learned Judicial Magistrate No.VI, Madurai and quash the same as illegal.



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For Petitioners : Mr.Malaikani S
For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)
For R2 : Mr.P.Chandrasekar

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.549 of 2021 pending on the file of the learned Judicial Magistrate No.VI, Madurai.

2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.1,00,000/- from the first accused at the rate of 5% interest and thereafter, he requested another Rs.1,00,000/- and at that time, the first accused gave Rs.60,000/- after deducting the interest towards earlier loan. Similarly, the defacto complainant borrowed the loan from the year 2014 from the first accused. From the year 2015, every month, the defacto complainant paid Rs.45,000/- and totally he paid a sum of Rs.21,00,000/-. However, six months prior to the



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occurrence, the first accused demanded the defacto complainant either he has to pay a sum of Rs.20,00,000/- or he has to execute the settlement deed in respect of his house in favour of the first accused's name. At this juncture, on 06.06.2020, all the accused persons came to the lab, which is owned by the defacto complainant and scolded the defacto complainant using filthy language, assaulted and also threatened him with dire consequence. Hence, the second respondent made a complaint before the first respondent Police and the first respondent Police registered a case in Crime No.1851 of 2020 against the petitioners and the respondent Police conducted the investigation and on completion of investigation, the charge sheet has been filed before the learned Judicial Magistrate No.VI, Madurai and the learned Judicial Magistrate has taken cognizance in C.C.No.549 of 2021 for the alleged offence punishable under Sections 294(b), 323 and 506(ii) of I.P.C and Sections 3 and 4 of the Tamil Nadu Prohibition of Charging of Exorbitant Interest Act, 2003 as against the petitioners.



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3.The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners and there is no specific allegation made against the petitioners. Further, on the alleged date of occurrence, the petitioners were residing in their native place. Only to evade from payment of the loan, the false complaint has been given against the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioners have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

5.In the above circumstances, the trial Court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioners, if they are subjected to due trial as sufficient opportunity would be given to the petitioners to put forth their defence. The petitioners cannot be let by quashing the charges framed



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against them as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against them. Useful reference in this regard can be made to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)***.

6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.549 of 2021 pending on the file of the learned Judicial Magistrate No.VI, Madurai. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

7. At this juncture, the learned counsel appearing for the petitioners would submit that this Court may consider to dispense with the personal appearance of the petitioners before the Court below. Taking into consideration the request as made by the learned counsel for the petitioners, the appearance of the petitioners before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s.207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment



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is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial Court, at its wisdom, shall direct their appearance on those days.

15.03.2024

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

Indu

To:

- 1.The Inspector of Police,
K.Pudur Police Station,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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