



*Crl.O.P.(MD)No.20731 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

Crl.O.P.(MD)No.20731 of 2024  
and Crl.M.P(MD).No.12827 of 2024

1.R.Gowsalya  
2.N.Rengaraj

: Petitioners

Vs.

1.State of Tamil Nadu  
rep., by  
The Inspector of Police,  
Kombai Police Station,  
Theni District.  
Crime No.148 of 2024

2.Pandiyammal

: Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the impugned First Information Report in Crime No.148 of 2024 under Section 191(2), 296(b), 115(2) and 351(2) of BNS Act r/w 4 of TNPWH Act and 4 of Exorbitant Interest Act 2004 dated 11.10.2024 on the file of the first respondent and quash the same as illegal

For Petitioners : Mr.J.Udhayakumar

For R1 : Mr.A.Thiruvadikumar  
Additional Public Prosecutor



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## **ORDER**

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The petitioners, who are A3 and A4 in Crime No.148 of 2024 for the offences under Sections 191(2), 296(b), 115(2) and 351(2) of BNS, Section 4 of TNPHW Act and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, had filed a quash application.

2. The contention of the petitioners is that the admitted case of the defacto complainant is that 12 years prior, she had taken loan of Rs.25,000/- from the mother of the first petitioner, at that time, she had deposited the original property document. In this case, A1 & A2 are the parents of the first petitioner. Thereafter first and second petitioners have been charging the defacto complainant exorbitant interest and collected money manifold than the principal amount. According to the petitioners, 12 years prior to the registration of the case, the first petitioner was only a student and she was no way involved in the alleging dealings by her parents and defacto complainant. In the complaint, 9 persons have been shown as affected persons and all are relatives to the defacto complainant and falsely projected a case against the petitioners. The second petitioner is the husband of the first petitioner and marriage between them was



solemnized in the year 2018. Hence, including the petitioners as accused in this case is not proper. Further, the petitioners on receipt of summon have given a detailed explanation, but the respondent police had not considered the same. The petitioners also sent a representation through post on 02.10.2024 giving the pendency of civil suit with regard to property dispute and other particulars. Since the respondent police had not considered the same, the present petition has been filed.

3. The learned Additional Public Prosecutor submitted that on the complaint of the defacto complainant, the petitioners were called for enquiry and they had given explanation, which has been considered. In the meanwhile, 7 other victims, who had lost money to the petitioners and others had given statement confirming that the first petitioner's parents have been collecting exorbitant interest amount and cheated the innocent people and further, the property was also grabbed from the innocent persons. The petitioners' representation would be considered by the respondent police and if found acceptable, considering the same, at the time of final hearing, appropriate steps would be taken.



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4. Recording the above, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

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**28.11.2024**

NCC : Yes/No  
Index : Yes / No  
*Rmk*

To

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



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**M.NIRMAL KUMAR,J.**

*Rmk*

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