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Crl.OP.No.1136 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.1136 of 2024

and

Crl.MP.No.757 of 2024

1. Muthusamy
2. Rukkumani
3. Ramesh
4. Sathiya

... Petitioners

Vs.

1. The State Represented by
The Sub-Inspector of Police,
Thalaivasal Police Station,
Salem District.
2. Singaravel

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in FIR No.270 of 2023 on the file of Thalaivasal Police Station, Salem and quash the same.

For Petitioner : Mr.Aarthi Rao

For Respondents : Mr.R.VinothRaja
Government Advocate (Crl.Side)
for R1
: Mr.S.T.Bharath Gowtham for R2



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ORDER

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This petition has been filed to quash the FIR registered in Crime No.270 of 2023 on the file of the first respondent police.

2. On the complaint lodged by the second respondent, the first respondent registered an FIR in Cr.No.270 of 2023 for the offences punishable under Section 420 of IPC for the allegation that the petitioners 1 and 2 borrowed loan to the tune of Rs.10,00,000/- from the second respondent to buy cows. However, in order to repay the said loan amount, the third petitioner has issued cheques and the same were presented for collection. However, they were returned as dishonored. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that after borrowal of amount, the petitioners have repaid the entire loan amount with interest. At the time of borrowal of the loan, the petitioners have issued five signed blank cheques bearing Cheque Nos.333953, 333954, 333957, 333958 and 333961 and signed blank stamp papers and promissory notes as security for the said loan. After repaying the entire amount, when the petitioners asked the second



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respondent to return the cheques, which were received as security at the time of his borrowal. The second respondent refused to return the cheques and presented for collection, which were returned for the reason " funds insufficient". However, the second respondent did not file any complaint for the offence under Section 138 of Negotiable Instruments Act. Now on 06.09.2023, the second respondent has lodged a complaint that the petitioners have failed to return the loan amount. Even assuming that the petitioners failed to repay the loan amount, the offence under Section 420 of IPC is not at all attracted since it is loan transaction.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that in order to repay the loan amount, the petitioners have issued cheques, they were presented for collection and the same were dishonoured.

5. Heard both sides and perused the materials available on record.



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6. A perusal of the records revealed that when the petitioners also lodged a complaint for refusal of return of cheques which were received as security as against the second respondent and the petitioners was issued C.S.R.No.557 of 2020 on the file of the Inspector of Police, Thalaivasal Police Station, Salem District. Therefore, it is evident that FIR is nothing but a clear abuse of process of Court and cannot be sustained as against the petitioners and it is liable to be quashed. Accordingly, the FIR registered in Crime No.270 of 2023 on the file of the first respondent police is hereby quashed.

7. In the result, this Criminal Original petition is allowed. Consequently, the connected miscellaneous petition is closed.

03.042025

Vv

To

1. The Sub-Inspector of Police,
Thalaivasal Police Station,
Salem District.
2. The Public Prosecutor,
Madras High Court, Chennai.

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G.K.ILANTHIRAIYAN, J.

Vv

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