



Crl.R.C.No.461 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2025

CORAM:

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

Crl.R.C.No.461 of 2023

Periyasamy

..... Petitioner

Vs

1. Singaravel

2. The Inspector of Police,
Chinna Salem Police Station,
Kallakurichi, District.

..... Respondents

PRAYER: Criminal Revision Case is filed under Sections 397(1) and 401 of Code of Criminal Procedure to call for the records and set aside the order dated 12.12.2022, passed in Crl.M.P.No.262 of 2022 on the file of Judicial Magistrate No.II, Kallakurichi in R.C.S.No.1 of 2022 in Crime No.331 of 2021 on the file of the 2nd Respondent.

For Petitioner : Mr.B.Vasudevan

For R1 : Mr.V.Gunasekar

For R2 : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER



Crl.R.C.No.461 of 2023

WEB COPY

This Criminal Revision Case has been filed challenging the order dated 12.12.2022 passed in Crl.M.P.No.262 of 2022 by the Judicial Magistrate No.II, Kallakurichi, thereby dismissing the protest petition filed against the Referred Charge Sheet in RCS No.1 of 2022 in Crime No.331 of 2021 on the file of the second respondent.

2. The petitioner lodged a complaint before the second respondent, which was registered in Crime No.331 of 2021 for the offences under Sections 448, 294(b), 384, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, against the first respondent, alleging that the first respondent is carrying on finance business under the name and style of 'Lakshmi Finance'. While being so, the petitioner had availed loan to the tune of Rs.2 Crores from the first respondent. Though the petitioner had settled the entire loan amount, the first respondent demanded further amount by levying exorbitant interest from the petitioner. On 02.01.2021, the first respondent, along with others, is alleged to have trespassed into the petitioner's mill, abused him in filthy language, stopped the functioning of the machinery and threatened him with dire consequences.

3. After conducting a full-fledged investigation, the second



Crl.R.C.No.461 of 2023

respondent closed the FIR in Crime No.331 of 2021 as “Mistake of Facts” and filed a referred charge sheet. Aggrieved by the same, the petitioner preferred a protest petition and the same was also dismissed by the learned Magistrate.

4. The learned counsel appearing for the petitioner would submit that the second respondent closed the FIR as “Mistake of Facts” only on the ground that the petitioner had entered into a lease agreement with the first respondent and the same was not acted upon. Though the petitioner had repaid the entire loan amount, the first respondent trespassed into the petitioner's mill and threatened him with dire consequences by levying exorbitant interest from the petitioner. Therefore, there are *prima facie* materials to attract the offences punishable under Sections 448, 294(b), 384, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. A perusal of the records reveals that admittedly the petitioner borrowed huge amount from the first respondent. Even according to the petitioner, on 02.01.2021, the first respondent and four others entered the



Crl.R.C.No.461 of 2023

petitioner's mill premises and stopped the machinery, allegedly due to non-

payment of the loan amount. However, there is no whisper about the first respondent demanding exorbitant interest for the loan availed by the petitioner.

In fact, the petitioner availed loan by executing a promissory note in favour of the first respondent and agreed to repay the entire loan amount with interest at the rate of 1% per month. Subsequently, on 06.01.2016, once again the petitioner borrowed huge amount and agreed to repay the same with interest. However, the petitioner failed to pay any interest and executed a lease deed, thereby leasing out the mill premises in favour of the first respondent for a period of eleven months towards the interest. However, the petitioner failed to hand over the mill as per the lease deed and also failed to pay any interest. Hence, the first respondent approached the petitioner seeking repayment of the loan amount.

7. Therefore, in order to escape from the clutches of law, the petitioner lodged a complaint. Though the second respondent registered the FIR, after examining 48 witnesses, the case was closed as “Mistake of Facts”. The learned Magistrate, upon examining five witnesses, also dismissed the protest petition by passing a detailed order. That apart, the first respondent also filed a suit in O.S.No.26 of 2021 on the file of the III Additional District Judge,



Crl.R.C.No.461 of 2023

Kallakurichi, seeking recovery of money and the same was decreed in favour of

the first respondent by a Judgment and Decree dated 31.10.2022.

8. In view of the above discussions, this Court finds no infirmity or illegality in the order dated 12.12.2022 passed in Crl.M.P.No.262 of 2022 by the Judicial Magistrate No.II, Kallakurichi.

9. Accordingly, this Criminal Revision Case stands dismissed.

03.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1. The Judicial Magistrate No.II,
Kallakurichi.

2. The Inspector of Police,
Chinna Salem Police Station,
Kallakurichi, District.

4. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.



WEB COPY



Crl.R.C.No.461 of 2023

Lpp

Crl.R.C.No.461 of 2023

03.06.2025