



CrI.O.P.(MD)No.7448 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD)No.7448 of 2025

and

CrI.M.P(MD) Nos.5487 and 5501 of 2025

Subash Chandran

... Petitioner/1st Accused

Vs

1. The State of Tamilnadu,
The Inspector of Police,
Thukalaypolice Station,
Kanyakumari District
Cr No. 198/2019.

...Respondent No.1/Complainant

2. Ratheesh

... Respondent No.2/Defacto
Complainant

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the C.C.No.397 of 2023 on the file of the Judicial Magistrate No.I, Padmanabhapuram and quash the same.

For Petitioner : Mr.Appaji.C.K.M

For R1 : Mr.P.Kottaichamy
Government Advocate (CrI. Side)

For R2 : Mr.M.Natarajan



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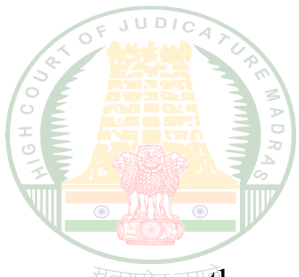
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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.397 of 2023 on the file of the learned Judicial Magistrate No.I, Padmanabhapuram.

2. The first respondent Police registered a case in Crime No.198 of 2019 against the petitioner and his wife under Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, based on the complaint lodged by the second respondent. It is alleged that the second respondent had borrowed money from the petitioner and his wife for his business, and even after repayment of the loan, the petitioner demanded exorbitant interest and threatened him with dire consequences.

3. The learned counsel for the petitioner submits that, on the contrary, the petitioner had lodged a complaint on 05.09.2018 before the Economic Offences Wing-II, Nagercoil, seeking criminal action against the second respondent for failing to repay the borrowed money with interest. It is his submission that the petitioner had invested money in the business of the second respondent, and when the same was demanded back, the second respondent, in retaliation, lodged a false complaint. He further submits that



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the petitioner is prepared to produce relevant documents in support of his claim.

4. The learned Government Advocate (Crl. Side), however, submits that the petitioner demanded exorbitant interest even after the borrowed money with agreed interest was repaid, and hence the case was rightly registered.

5. Considering the submissions made by either side, and also bearing in mind that the defence raised by the petitioner involves factual aspects which can be appreciated only during trial, this Court is not inclined to entertain this petition.

6. Accordingly, this Criminal Original Petition stands dismissed with liberty to the petitioner to raise all grounds available to him before the trial Court. Consequently, the connected Miscellaneous Petitions are closed.

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

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B.PUGALENDHI, J.

Indu

To

- 1.The State of Tamilnadu,
The Inspector of Police,
Thukalaypolice Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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