



CRL.OP(MD) NO.9941 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL.O.P(MD) No.9941 of 2024

and

CrI.M.P.(MD).No.6779 of 2024

1. Kulandhaisamy

2. Magudapathi

3. Shanmugasundaram

... Petitioners

.VS.

1. The State Represented by
Inspector of Police,
Karur Town Police Station,
Karur District.

2. Sagunthalai

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records relating to the case in S.C.No.21 of 2024 on the file of the Principal District / Sessions Judge, Karur and quash the same.

For Petitioners : Mr.K.Suresh

For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate (CrI.Side)

For R2 : Ms.P.Krishnaveni



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ORDER

This petition has been filed by the petitioners to quash the proceedings in S.C.No.21 of 2024 on the file of the Principal District and Sessions Court, Karur.

2. The prosecution case is that the husband of the defacto complainant was running a Auto Consulting Business in the name of Venkatachalapathi and he used to borrow money from various persons. For the past 1 ½ years, due to Covid-19, he was unable to pay interest to the money lenders. While so, on 06.09.2021 at about 8.00 a.m, he went outside for purchase of vegetables and thereafter, an employee of her husband went to the office at about 9.00 a.m., and at that time, he told that her husband died by hanging. Thereafter, she went to the office and saw that her husband died by hanging. Immediately with the help of the employee after cutting the rope, she saw that he already died. Thereafter, her husband was taken to the Medical College Hospital and the Doctor has reported that he already died. Therefore, the 2nd respondent lodged a complainant before the 1st respondent and based on the same, they registered a case in Crime No.1402 of 2021 under Section 174 of CrP.C



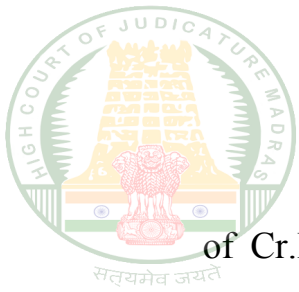
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and thereafter, altered into Sections 306 of IPC read with Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

Thereafter, the 1st respondent police conducted investigation and filed final report as against the petitioners for the offences, alleging that the deceased was running an Auto Consulting Business along with his friend one Vijaya Kumar. While so, due to heavy loss in the business, he borrowed money from new Ganga Finance Business through his friend Vijaya Kumar and the accused, namely, Kulandhaisamy, Magudapathi and Shanmugasundaram have collected 'kandhuvatti' from the deceased Ragupathi and also caused life threat. Therefore, the deceased died by hanging on 06.09.2021 in his office. Hence, all the accused are liable to be punished under Section 306 IPC. To that effect, they filed the charge sheet before the Judicial Magistrate Court-I, Karur and thereafter, the case has been committed to the Sessions Court. Now case is pending before the Principal District and Sessions Court, Karur in S.C.No.21 of 2024 and the accused are challenging the pending proceedings.

3. The learned counsel appearing for the petitioners would submit that based on the complainant lodged by the 2nd respondent, the 1st respondent registered a case in Crime No.1402 of 2021 under Section 174



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of Cr.P.C altered into the Sections 306 of IPC read with Section 4 of
Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

Thereafter, the 1st respondent without conducting a proper investigation included the petitioners as accused without any material. Even as per the prosecution, the petitioners names are not mentioned in the suicide note and there are no materials to constitute the offence under Section 306 of IPC as against these petitioners. However, the 1st respondent without conducting a proper investigation has filed the final report. Even according to the prosecution case, the deceased Ragupathi borrowed loan from the New Ganga Finance, through one Vijaya Kumar where the petitioners were partners. Under the pressure to repay the loan, the said Ragupathi committed suicide and these petitioners were arrested and detained for 17 days.

4. The learned counsel would submit further submit that as per the charge sheet and the statements recorded under Section 164(3) of Cr.P.C, there are no substantial evidence to attract the offences of abatement to commit suicide under Section 306 of IPC read with Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003. Either the petitioners or their firm did not advance any loan to the deceased



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Ragupathi and even as per the prosecution case, the loan was availed by

Vijaya Kumar and the petitioners had refused to grant loan to the deceased

Ragupathi. There are no allegations against the petitioners regarding the

instigation to commit suicide. The suicide note was also recovered and it

does not mentioned the petitioners names or make any allegations against

them. The note simply states that Ragupathi committed suicide because

he was unable to repay his debts. The investigation officers have also

searched the petitioners premises and their firm, no documents linking the

petitioners to any loan transaction with the deceased Ragupathi. The

recovered documents only pertaining to the loan to Vijaya Kumar. The

final report lacks any documentary evidence proving the loan transaction

between the petitioners and the deceased or any demands for exorbitant

interest. No ingredients to constitute the offences under Sections 306 of

IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant

Interest Act, 2003. Therefore, the pending proceedings are liable to be

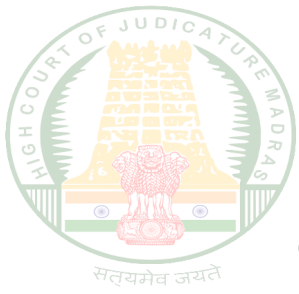
quashed.

5. The learned Government Advocate (Criminal Side) appearing for the 1st respondent would submit that the deceased Ragupathi borrowed loan through Vijaya Kumar from the petitioners firm New Ganga Finance,



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where the petitioners are the partners and they have charged exorbitant interest and tortured the deceased to pay the loan amount even after he sustained heavy loss due to the COVID-19 and thereby, he committed suicide. Due to the pressure made by the petitioners, the deceased died and he was forced to commit suicide due to the acts of the petitioners. He died by hanging on 06.09.2021 and based on the complaint lodged by the 2nd respondent, they registered a case in Crime No.1402 of 2021 and they have also recovered the suicide note. As per the suicide note, he died due to the exorbitant interest charged by the money lenders. Though the name of the petitioners have not found in the suicide note, there are some oral evidences against the petitioners and the same have to be tested through the trial and the same cannot be tested at this stage. As per the statements recorded during the investigation, there are prima facie materials available against the petitioners and it is the matter of trial. Particularly, the defacto complainant and other witness, Vijaya Kumar stated about the money lent by the petitioners and charged exorbitant interest and due to their inducement he died. Therefore, there are prima facie material available to constitute the offence as against these petitioners and this petition is liable to be dismissed.



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6. This Court head both sides and perused the records.

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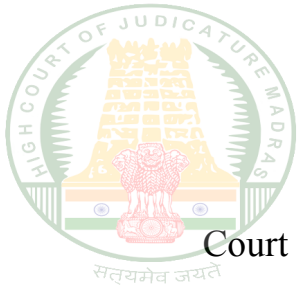
7. In this case, it is an admitted fact that the deceased died by committing suicide. As per the prosecution case, the petitioners lent money to the deceased Ragupathi through one Vijaya Kumar and they have tortured the deceased by charging exorbitant interest and thereby, they induced to commit suicide of the deceased. The prosecution also, during investigation, examined the witnesses and collected materials. According to the petitioners, they did not lend money to the deceased. The petitioners no way connected with the deceased and after registration of the F.I.R, they searched the petitioners premises, but no any records found in the name of deceased and only some documents recovered in the name of the Vijaya Kumar. Even as per the suicide note, no names of the petitioners was mentioned and only based on the statement of Vijaya Kumar, the prosecution has filed the final report. This Court also perused the records. As per the records, it is seen that the deceased died due to hanging by committing suicide. The 1st respondent police also recovered the suicide note and as per the suicide note, he died due to heavy loss in the business and due to heavy burden of the huge loan. The investigation agency after registered the F.I.R has investigated the case and collected



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materials and also recorded statements of the witnesses. The statements of witnesses implicated the petitioners in this case and the petitioners lent money to the deceased through one Vijaya Kumar and charged exorbitant interest. The veracity of the above statements recorded by the investigation agency through investigation and the materials collected shall be tested at the time of trial, not at this stage.

8. It is well settled law that this Court while exercising power under Section 482 of Cr.P.C cannot conduct a mini-trial as to whether the statements recorded during the investigation are true and the genuineness of the statements recorded during the investigation cannot be tested at this stage and it is the matter for trial. All the grounds raised by the petitioners in this petition are nothing but the defence to be taken before the trial Court. Therefore, at this stage, the above said grounds cannot be considered and the petitioners are at liberty to raise the above said grounds as defence before the Trial Court. Therefore, there are materials available to proceed with the case against the petitioners as per the final report. In view the same, there is no merits in this petition and the same is liable to be dismissed. It is for the Trial Court to take appropriate decision based on the evidence without influencing the observations made by this



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Court in this petition. In view of the above said observations, this

Criminal Original Petition is dismissed. Consequently, connected criminal miscellaneous petition is closed.

25.04.2025

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

1. The Principal District and Sessions Court,
Karur.

2. The Inspector of Police,
Karur Town Police Station,
Karur District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL, J.

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