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CRL OP No. 28687 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

**CRL OP No. 28687 of 2022
Crl.MP.Nos.17589 and 17592 of 2022**

M.Seeman

..Petitioner(s)

Vs

1. State of Tamil Nadu,
Rep. by The Inspector of Police,
Sendurai Police Station,
Ariyalur District. Crime No.128/2022.
2. K.Vaithilingam

(amended as per Order Dt 27/03/2024 in
Crl.MP.No.11327/2023 in Crl.OP.No.
28687/2022)

..Respondent(s)

This CRL.O.P. is filed under Section 482 C.r.P.C. to call for the records and quash all proceedings in STC.No.311 of 2022 pending trial on the file of the Learned Judicial Magistrate, Sendurai.

For Petitioner(s): M/s M.Ravi

For Respondent(s): Mr.A.Gopinath,
Govt. Advocate (Crl.Side) for R1

Ms.B.N.Sivagama Sundari, for R2



ORDER

This Criminal Original Petition has been filed to quash all the proceedings in STC.No.311 of 2022 pending on the file of the learned Judicial Magistrate, Sendurai.

2. The case of the prosecution is that the second respondent/defacto complainant borrowed a loan of Rs.7,00,000/- from the petitioner during the year 2017. When the same was not repaid, the petitioner filed two suits against the second respondent for recovery of money. On 26.06.2022, second respondent went to the petitioner's house and asked him to accompany him to the Lok Adalat hearing so as to arrive at a compromise in respect of the dispute. At that time, the petitioner allegedly abused him in filthy language and drove him away by threatening to commit murder. Hence, a complaint was preferred, based on which an FIR was registered in Crime No.128 of 2022 against the petitioner for the alleged commission of offences punishable under Sections 294(b), 506(i) IPC and Section 4 of the Prohibition of Charging Exorbitant Interest Act, 2003. After investigation, a charge sheet was filed on 19.07.2022 before the learned Judicial Magistrate, Sendurai, and the same was taken on file for trial.

3. The learned counsel for the petitioner submitted that the second respondent borrowed a sum of Rs.7,00,000/- and another sum of Rs.6,00,000/-



from the petitioner after executing promissory notes dated 02.08.2017 and 03.08.2017 respectively. However, the second respondent failed to repay the said amounts. Therefore, the petitioner filed suits for recovery of money in OS.Nos.78 & 79 of 2020. While the suits were pending for adjudication, on 30.06.2022, that too after a period of two years from the initiation of the suits, the second respondent lodged the present complaint with the above allegations. Further, the alleged occurrence is said to have been taken place in the house of the petitioner. In order to escape from the legal consequences of the civil proceedings, the second respondent filed the said false complaint, which is clearly an abuse of process of law.

4. The learned counsel for the petitioner further submitted that the ingredients of the offences under Sections 294 (b), 506 (i) IPC and Section 4 of the Prohibition of Charging Exorbitant Interest Act, 2003 are not made out against the petitioner. The respondent failed to establish the necessary ingredients required to attract the charges for the offence under Section 4 of the Prohibition of Charging Exorbitant Interest Act, 2003. In support of the said contention, the learned counsel relied on the Order of this Court in CrI.O.P.No.18737 of 2023, dated 17.04.2025.

5. Per contra, the learned counsel appearing for the second respondent submitted that on 26.06.2022, being the suit hearing date, the second respondent



went to the house of the accused and expressed his willingness to settle the dispute before the Lok Adalat. The second respondent also agreed to pay whatever amount fixed by the Court. However, the petitioner demanded more money than the agreed portion of interest along with principal. Subsequently, the petitioner abused him in filthy language and threatened him with dire consequences. Therefore, according to the learned counsel, the offences under Section 294 (b), 506 (i) IPC and 4 of the Prohibition of Charging Exorbitant Interest Act, 2003, clearly attracted against the petitioner.

6. The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that upon perusal of the records and the statements recorded from the second respondent, the charges under the above provisions are clearly made out against the petitioner. He further submitted that the grounds raised by the petitioner can be considered only during the trial, and therefore, the petition is liable to be dismissed.

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

8. On receipt of the complaint, the first respondent registered an FIR in Crime No.128 of 2022 for the offences punishable under Sections 294(b), 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant



Interest Act, 2003. After completion of investigation, the final report was filed and taken cognizance by the Trial Court.

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9. Admittedly, the second respondent borrowed money from the petitioner in order to meet out the educational expenses of his two sons studying in Russia. On the date of the loan transaction, the second respondent executed two pro notes dated 02.08.2017 and 03.08.2017. Since the second respondent defaulted in repayment, the petitioner was constrained to file suits for recovery of money in OS.Nos.78 and 79 of 2020 on the file of the Sub Court, Ariyalur. Pending suits for recovery of money, the second respondent went to the house of the petitioner, where the alleged occurrence is said to have taken place. Therefore, admittedly, the occurrence took place in the house of the petitioner. During the pendency of the investigation, the suits in OS.Nos.78 and 79 of 2020 were decreed in favour of the petitioner on 18.07.2023.

10. To attract the offences under Section 294(b) of IPC, there must be an uttering of words to affect the person who lodged the complaint. In this regard it is relevant to extract the Section 294(b) of IPC, as follows :-

"294. Obscene acts and songs —Whoever, to the annoyance of others— (a) does any obscene act in any public place, or (b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment



of either description for a term which may extend to three months, or with fine, or with both."

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11. Admittedly, there is absolutely no words uttered by the petitioner as such to constitute the offence under Section 294(b) of IPC, there is no averments and allegations. Further the charges do not show that on hearing the obscene words, which were allegedly uttered by the petitioner, the witnesses felt annoyed. No one has spoken about the obscene words, they felt annoyed and in the absence of legal evidence to show that the words uttered by the petitioner annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) of IPC is made out. It is relevant to rely upon the judgment reported in **1996(1) CTC 470** in the case of **K.Jeyaramanuju Vs. Janakaraj & anr.**, which held as follows :-

"To prove the offence under Section 294 of IPC mere utterance of obscene words are not sufficient but there must be a further proof to establish that it was to the annoyance of others, which is lacking in the case."

The above judgment is squarely applicable to the present case and therefore, the offence under Section 294(b) of IPC is not at all attracted as against the petitioner.



12. Insofar as the offence under Section 506(i) of I.P.C is concerned, to attract the offence, threat and intention to cause an alarm are main ingredients.

The third ingredient is that the intention must be to cause any person to do any act which he is not legally bound to do or to omit to do any act which that person is legally entitled to do, subsequent to the main ingredients. Whereas in the case on hand, even according to the case of the prosecution, the alleged threats issued by the petitioner were only empty threats and they had no effect on the complainant.

13. In this regard, It is relevant to rely upon the judgment of this Court made in ***Crl.O.P.(MD)No.11030 of 2014*** in the case of ***Abdul Agis Vs. State through the Inspector of Police***, which reads as follows:-

“7.It is seen from the statements recorded under Section 161(3) of Cr.P.C. of the second respondent/ defacto complainant that it does not contain any obscene words, which were uttered by the petitioner herein and the entire allegations are very simple in nature. It is also seen from the statement of one Uthami, that the petitioner threatened the defacto complainant with dire consequences when he dashed the defacto complainant. The entire allegations are trivial in nature. Further, to attract the offence under Section 506(i) of I.P.C., there was a threatening only by words. As pointed by the learned counsel appearing for the petitioner, the threat should be a real one and not just a mere word when the petition uttering does not exactly mean what he says and also when the person to whom threat is launched does not feel threatened actually. Therefore, the offences under Sections 294(b) and 506(i) of I.P.C. are not made out as against the petitioner herein and also the entire criminal proceedings is clear an



abuse of process of Court. Therefore, this Court is inclined to quash the entire proceedings.”

In view of the above, the charge under Section 506 (i) IPC is also not attracted as against the petitioner.

14. Insofar as the charge under Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 is concerned, admittedly, the complaint was lodged after initiation of suits for recovery of money under the pro notes executed by the second respondent. Further, the second respondent failed to comply with the provision under Section 5(1) of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003. In fact, if the loan amount is more than Rs.10,000/-, the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 would not at all attract as against the accused. Even according to the second respondent, he borrowed a sum of Rs.13,00,000/- with interest at the rate of 1% per month from the petitioner.

15. In this regard, it is relevant to extract the portion of the order passed by this Court in Crl.O.P.No.4877 of 2018 dated 26.06.2018 in the case of ***T.Karthikeyan and others vs. The State rep. by its Inspector of Police***, which reads as follows:

“10. The object of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, is to prohibit the charging of



exorbitant interest by any person and matters incidental thereto. The scheme of the Act is to regulate and control collection of money in the name of daily vatti, hours vatti, kandhu vatti, meter vatti, thandal etc. As per the provisions of the Tamil Nadu Money Lenders Act, 1957, a money lender is a person whose main or subsidiary occupation is the business of advancing <http://www.judis.nic.in> and realising loans. Further, an advance made on basis of a negotiable instrument exceeding Rs.10,000/-, will not fall under the definition of a loan. Therefore, a money lender, who makes an advance, on basis of a negotiable instrument exceeding Rs.10,000/- is not a person referred to under Section 3 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003. In other words, the debtor cannot lawfully complain of a demand of exorbitant interest, when a money lender advances a loan on the basis of negotiable instrument exceeding Rs.10,000/-.

11. As per the provisions of the Tamil Nadu Money Lenders Act, a money lender is a person, whose main or subsidiary occupation is a business of advancing and releasing loan. In the instant case, the petitioners main occupation was transport business and it is nobody-s case that their main and subsidiary business was money lending. Therefore, the term -person- referred to in Section 3 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and the term -money lender- referred to therein are not applicable to the petitioners herein. Incidentally, the petitioners herein had produced various copies of their transport business pertaining to Port Trust Licence, Coir Board License, Export and Import License, Income Tax Returns etc., and established that their main business was not money lending. As such, the FIR implicating the petitioners for offences under



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Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 is prima facie not made out.

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13. The basis of the complaint is that the petitioners herein had demanded exorbitant interest and it is in this connection that they had allegedly indulged in various criminal activities. When the offence under the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 has not been made out, what remains is a mere civil dispute between the petitioners and the defacto complainant since the amount borrowed as well as the non repayment of the same is not under dispute. It would not be out of place to mention here that under Section 51 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, it is mandatory that the debtor to deposit the loan amount together with interest at the rate fixed by the Government under Section 7 of the Act into the jurisdictional Court before presentation of the petition for recording satisfaction of the loan. This proposition has been reiterated in Indiabulls Financial Services Ltd., Vs. Jubilee Plots and Housing Private Limited reported in 2010 (2) LW 375 “24. In the considered opinion of this Court, the word ‘may’ used under Section 5(1) of the Act would imply the option given to a debtor to approach the court with a petition to refer full or part satisfaction of the loan with interest. Once a debtor exercises his option to approach the court for such a purpose, a debtor, who presents a petition, is bound to deposit the money in respect of the loan received by him together with interest.

Therefore, the expression ‘may’ employed under Section 5(1) does not mean by any stretch of imagination that deposit of money while presenting a petition is always at the option of a debtor. If



such an import is given to the aforesaid provision of law, no debtor would be inclined to deposit the loan amount with interest to get a relief within the time frame fixed under Section 5(2) of the Act. Consequently, it would be a mockery if the debtor, who has not chosen to show his bona fides by depositing the money due in respect of the loan with interest, is permitted to seek for a remedy by just filing a petition. The provision under Section 5(2) of the Act speaks of an inquiry and passing of an order recording the satisfaction of the loan and interest therefore in full or part. If the amount due in respect of the loan with interest therein is not deposited as contemplated under Section 5(1) of the Act, the court may not be in a position to record in full or part satisfaction of the loan.”

16. In view of the above, the offence under the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 is not attracted against the petitioner. While pending adjudication in the suits filed by the petitioner for recovery of money under two pro notes executed by the second respondent, the present complaint was lodged against the petitioner. Therefore, the complaint appears to have been filed only with an intention to harass the petitioner and to escape from the civil liability. Thus, the complaint is nothing but an abuse of process of law.

17. In view of the above, the entire proceedings in STC.No.311 of 2022 on the file of the learned Judicial Magistrate, Sendurai cannot be sustained and



are liable to be quashed. Accordingly, the Criminal Original Petition is allowed and the said proceedings are quashed. Consequently, connected miscellaneous petitions are closed.

09-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
PVS

To
1. The Judicial Magistrate, Sendurai
2. The Inspector of Police,
Sendurai Police Station,
Ariyalur District.
Crime No.128/2022.



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G.K.ILANTHIRAIYAN, J.

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