

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9310 of 2014

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ORDER :

This criminal petition is filed by the petitioner/accused under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.963 of 2009 on the file of the III Additional Judicial First Class Magistrate, Kothagudem.

2. Heard the learned counsel for the petitioner as well as the 1st respondent-State represented by the Public Prosecutor before admission and before ordering any notice to the 2nd respondent and perused the material on record.

3. The petitioner is the sole accused. The 2nd respondent herein is the de facto complainant. Out come of a private complaint referred under Section 156(3) Cr.P.C. by the learned Magistrate to the concerned police Crime No.124 of 2009 dated 23.05.2009 was registered against the petitioner/accused for the offences punishable under Sections 420 and 506 IPC. The police after investigation filed charge sheet against the petitioner only for the offence under Section 506 IPC. The learned Magistrate has taken cognizance of the same for the offence punishable under Section 506 IPC and allotted C.C.No.963 of 2009 and the same is pending on the file of the III Additional Judicial First Class Magistrate,

Kothagudem.

4. The contention of the learned counsel for the petitioner is that apart from the belated F.I.R. of the occurrence dated 30.04.2009, with no explanation after 22 days i.e., on 23.05.2009 at 1800 hours, the ingredients of Section 506 IPC has no application and that was not properly adverted from the investigation material in filing the final report showing accusation against the petitioner.

5. Whereas it is the contention of the learned Public Prosecutor as well as the 2nd respondent-de facto complainant that the charge sheet from the investigation discloses the offence under Section 506 IPC as there is a criminal intimidation on the part of the petitioner not only to the de facto complainant but also to the other witnesses i.e., LWs.2 to 4 in forcing to complete the work stating by starting immediately in the land of the de facto complainant and by threatening with dire consequences to see the end of the de facto complainant if they shall say about it to anybody.

6. A reading of the definition of criminal intimidation under Section 503 IPC, must show the intention on the part of the accused to cause alarm not mere verbal words. No doubt, the accusation shows accused threatened and intimidated. There is nothing to show that the petitioner armed with or use any force or attempted to use any force. Leave it as it is, from the expression of the

Madras High Court in **Noble Mohandass v. State**^[1], it must create a fear in the mind of the victims that is shown absent. There is no explanation for the belated filing of the private complaint after occurrence in registering the crime.

7. Having regard to the above, the criminal petition is allowed quashing the proceedings in C.C.No.963 of 2009 on the file of the III Additional Judicial First Class Magistrate, Kothagudem.

8. Miscellaneous petitions pending, if any, shall stand dismissed

Dr. B. SIVA SANKARA RAO, J

23rd June 2015.

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^[1] 1989 Cri.L.J.669