

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.10652 of 2017

ORDER:

This Criminal Petition is filed, under Section 482 Cr.P.C., by the petitioners/A.1 and A.2, to quash the proceedings in Crime No.559 of 2017 of Saroornagar Police Station, Rachakonda District, registered for the offences punishable under Sections 342 and 506 read with 34 IPC.

2. The facts of the case, in brief, are as follows:

The *de facto* complainant lodged a complaint alleging that on 12.08.2017 at 21:30 hours, the petitioners came to the *de facto* complainant's sister house and scolded them to open the door. When they did not open the door, the petitioners wrongfully confined them in the house, who are aged about 63 and 67 years, by locking the door from outside. It is stated that there were matrimonial disputes pending between them. Basing on these allegations, the aforesaid crime was registered against the petitioners.

3. As seen from the allegations made in the complaint, there is no allegation to attract the offence punishable under Section 506 IPC i.e., punishment for 'criminal intimidation'. The word 'criminal intimidation' is defined under Section 503 IPC, which reads as follows:

“Whoever threatens another with any injury to his person, reputation or property, or to be person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that 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, as the means of avoiding the execution of such threat, commits criminal intimidation.”

None of the allegations made in the compliant, dated 12.08.2017, discloses threatening to cause injury to the petitioner etc., as required under Section 503 IPC. Therefore, registration of crime against these petitioners for the offence punishable under Section 506 IPC is without any material, the same is hereby quashed

4. With regard to other offence i.e., 342 IPC registered against the petitioners, is deals with ‘punishment for wrongful confinement’. The word ‘wrongful confinement’ is defined under Section 340 IPC. According to which, whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said “wrongfully to confine” that person.

5. In the case on hand, putting lock outside the flat would amount to restraining the movements of the 2nd respondent. Therefore, the allegations made in the report, would *prima facie* attract the offence, of-course, it is subject to investigation by the police.

6. The material on record, *prima facie*, discloses commission of offence punishable under Section 342 IPC. Therefore, the Station House Officer, Saroornagar police station, Rachakonda District, can proceed with the investigation for the offence punishable under Section 342 IPC registered against the petitioners. However, the Station House Officer/Investigating Agency to follow Section 41-A of Cr.P.C., and also the judgment of the Hon’ble Apex Court

in ***Arnesh Kumar v. State of Bihar and another***¹, before taking any coercive steps against the petitioners/A.1 and A.2. In case, the Investigating Agency did not find any material against these petitioners, liberty is given to the petitioners to renew their request at appropriate stage.

7. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this petition shall stand closed.

M.SATYANARAYANA MURTHY,J

Date: 15.11.2017
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¹ 2014 (2) ALT (Cri.) 457 (SC)

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