



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P. (MD) No.22266 of 2013

and

M.P. (MD) No.1 of 2013

N.Kalyanakumar

... Petitioner

Vs.

A.L.Muruganandam

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the complaint in C.C.No.64 of 2013 on the file of the Judicial Magistrate, Karaikudi and quash the same as illegal.

For Petitioner : Mr.Mayil Vahana Rajendran

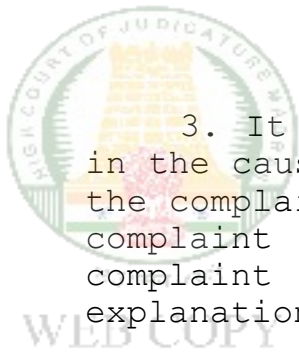
For Respondent : Mr.V.R.Shanmuganathan

ORDER

The petitioner is a practicing lawyer. His cousin Boomadevi is the daughter-in-law of the respondent. She was given in marriage to one Haribalaji. In other words, the said Haribalaji is the son of the complainant, Thiru. AL. Muruganantham. It appears that the relationship between Boomadevi and Haribalaji came under strain. Their matrimonial house was at Karaikudi. The case of the complainant is that when the husband Haribalaji was away in Hyderabad on 06.04.2008, taking advantage of his absence, Boomadevi and other accused got into the house. This was duly informed to the complainant herein. The complainant herein came down from Chennai along with his wife. There appears to have been a quarrel between the complainant and Boomadevi and the other accused. The complainant would also allege that he was given life threat by the accused. When the respondent lodged a police case, the same was gone into and closed as mistake of fact. Not satisfied with the closure report given by the police, the respondent herein filed a private complaint. The same was taken on file and summons were issued by the Judicial Magistrate, Karaikudi. The petitioner has been shown as A-5. Seeking to quash the proceedings in so far as he is concerned, the petitioner has come before this Court.

2. Heard the learned counsel for the petitioner as well as the complainant.

<https://hcservices.ecourts.gov.in/hcservices/>



3. It is seen that the name of the petitioner is figuring only in the cause title. He is nowhere named specifically in the body of the complaint. The occurrence itself took place on 06.04.2008. The complaint was given only on 25.07.2010 and the impugned private complaint was filed on 01.03.2012. There is absolutely no explanation for this gross delay.

4. That apart, it is seen that the wife had after all got back into her own matrimonial house. Even the petitioner as cousin, is entitled to accompany her. It is not the case of the complainant that he was injured. It is true that the respondent has alleged that life threat was given to him. The respondent has not averred that he felt threatened. This Court has held in more than one case that the offence of criminal intimidation will be made out only if the victim felt intimidated. Since no specific overt act is attributed to the petitioner and taking into account the aspect of delay, this Court has no hesitation to hold that no case is made out against the petitioner. The impugned proceedings against the petitioner can only be termed as an abuse of legal process. The impugned complaint is quashed in so far as the petitioner is concerned.

5. Accordingly, this Criminal Original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Karaikudi.
2. The Chief Judicial Magistrate, Sivagangai.

+ 1 CC TO Mr.V.R.SHANMUGANATHAN, ADVOCATE IN SR No. 62061

+ 1 CC TO Mr.H.LAKSHMI SHANKAR, ADVOCATE IN SR No. 61843

PNN

TE/JC/SAR-3 : 28/06/2018 : 2P/5C

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