

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.21099 of 2016

CRL.M.P.No.9770 of 2016

1.V.Indhumathi

2.B.Ambiga

...Petitioners/Accused 1 and 2

Vs.

1.State represented by
Inspector of Police,
Arkonam Taluk Police Station,
Arkonam, Vellore District.

2.Shanthi

...Respondents/Complainants

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the Crime No.344 of 2016 on the file of the Judicial Magistrate, Arakonam and quash the proceedings.

For Appellant : Mr.R.Balasubramanian

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor for R1
Mr.S.Vinoth Kumar for R2

O R D E R

This petition has been filed to call for the records relating to the Crime No.344 of 2016 on the file of the Judicial Magistrate, Arakonam and quash the proceedings.

2.Heard the submissions of the learned counsel for the petitioners and the learned counsel for the second respondent.

3. The learned Additional Public Prosecutor submitted that in Crime No.344 of 2016, the first respondent Police completed the investigation and filed a final report in the year 2016 itself, but, the trial Court had not taken on file so far.

3. It is seen that there seems to be some dispute between the petitioners and the second respondent. This is a counter case. The complaint given by the petitioner was assigned as

C.S.R.No.100 of 2016 and the complaint given by the second respondent was assigned as C.S.R.No.101 of 2016. Thereafter, the petitioner had moved this Court in CrI.O.P.Nos.13360 & 13361 of 2016. This Court, by order dated 04.07.2016, directed the respondent police to enquire into both complaints. On enquiry, the complaint given by the petitioner had culminated into FIR in Crime No.343 of 2016 and during investigation, the respondent police referred the matter as Mistake of Fact. The complaint given by the second respondent had culminated into FIR in Crime No.344 of 2016 for offence under Section 294(b), 506(i). Thereafter, the investigation completed and final report filed, yet to be taken on file. The dispute is between the neighbour on misconception that late Vijaykumar had extra-marital affair. Now it is reported that Vijaykumar is no more. The offences are not serious in nature.

4. Considering the submission and on perusal of the materials, it is seen that it is a dispute between the neighbours. There was only mere threat. The averments in the final report does not satisfy with the ingredients of offence 294(b), 506(i).

5. In view of the same, this Court quashes the FIR in Crime No.344 of 2016 and all further proceedings thereto against the petitioners. Accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Judicial Magistrate, Arakonam

+lcc to Mr.R.Balasubramanian, Advocate in SR.26785, dt.17.8.2020

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MR(CO)
RV(18/09/2020)