



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P.NO.28141 OF 2015

AND

CRL.M.P.NO.1 OF 2015

Taj Mohammed

.. Petitioner/Accused

/versus/

Umera

..Respondent/Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C,praying to call for the records relating to Private Complaint in C.C.No.71 of 2014, on the file of the Judicial Magistrate, Namakkal and quash the same.

For Petitioner : Mr.S.Sounthar

For Respondent : No appearance

O R D E R

(This case has been heard through Video Conferencing)

The petitioner, who is the accused in a private complaint filed by the respondent for the offence under Section 294(b), 506(i) r/w Section 4 of Prohibition of Womens Harrassment Act, in C.C.No.71 of 2014 on the file of the Judicial Magistrate, Rasipuram, has filed this Criminal Original Petition to quash the same.

2.The brief facts leading to file the quash petition is that, the respondent/de-facto complainant, is none other than the petitioner's brother's daughter. There is a civil dispute between the petitioner and the respondent. Earlier, the petitioner is said to have purchasded a property from the father of the respondent/de-facto complainant under registered sale deed dated 28.11.2005 as Doc.No.3113 of 2005 on the file of the



Sub Registrar's Office of Rasipuram. Thereafter, the respondent/de-facto complainant had filed a suit in P.O.P.No.1 of 2012 for declaration and recovery of possession claiming that the property has been purchased by the respondent's father and the petitioner from one Ramachandra Naidu and thereafter, the petitioner had executed a release deed in respect of his share in favour of the father of de-facto complainant and after considering the facts, the trial Court has dismissed the suit.

3.The learned counsel appearing for the petitioner submitted that thereafter the defacto complainant/respondent said to have given a police complaint before the Deputy Superintendent of Police, Rasipuram alleging that on 05.11.2012 at about 10.00 a.m., while the complainant entered into the house of the petitioner, he abused her and criminally intimidated and also harassed her.

4.Based on the complaint, an enquiry was conducted by the Sub Inspector of Police, wherein the complainant appeared and gave a statement that due to civil dispute, she has given a complaint and she will resolve the dispute through the Civil Court. Based on the statement, the complaint has been closed by the Sub Inspector of Police, Rasipuram. Thereafter, the present Private Complaint has been filed for the very same set of allegation and the same was taken cognizance by the learned Judicial Magistrate, Rasipuram pending in C.C.No.71 of 2014 and issued summons to the accused. Now, to quash the above criminal proceedings, the present petition has been filed.

5.This Court considered the submissions made by the learned counsel appearing for the petitioner and perused the materials available on record.

6.Even though notice was served on the respondent and her name is also printed in the cause list on two occasions, there was no representation on behalf of the respondent, hence, this case is disposed of on merits.

7.On perusal of the complaint, it could be seen that, there is a civil dispute between the parties and a suit in P.O.P.No.1 of 2012 was filed by the respondent/de-facto complainant and the same was dismissed. Earlier the police complaint lodged by the respondent/defacto complainant was closed, based on the statement given by the respondent/defacto complainant that the dispute could only be settled between the parties before the Civil Court. Onceagain, for the very same set of allegation, the present private complaint has been filed before the Judicial Magistrate Court, Rasipuram and without considering the complaint in proper prespective, has mechanically, taken



cognance for the offence under Section 294(b), 506(i) of IPC r/w Section 4 of Prohibition of Womens Harassment Act and issued summons to the petitioner.

8.In such circumstances, this Court is of the considered view that the criminal case is nothing but total abuse of process of law and the same is liable to be dismissed. Accordingly, the complaint in C.C.No.71 of 2014 on the file of the Judicial Magistrate, Namakkal is quashed.

9.In the result, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To:

1.The Judicial Magistrate, Namakkal.

2.The Public Prosecutor, High Court, Madras.

+1cc to M/s.S.Sounthar, Advocate, S.R.No.64493

Cr1.O.P.No.28141 of 2015
and
Cr1.M.P.No.1 of 2015

KSM(CO)
RLP(16/12/2021)