

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.21659 of 2019
and Crl.MP.Nos.11200 & 11201 of 2019

1. G.Velusamy
 2. V.Mariammal
 3. M,Muthulakshmi
 4. R.Muthu
 5. P.Malarselvi
 6. P.Prabhakaran
-Petitioners/A1 to A6

vs.

A.Nagajothi ...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.241 of 2019 pending on the file of the learned Judicial Magistrate, Alandur and quash the same.

For Petitioners: Mr.M.Ravikumar

For Respondent : Mr.T.Naveen chandar

ORDER

This petition has been filed quash the proceedings in C.C.No.241 of 2019 pending on the file of the learned Judicial Magistrate, Alandur.

2. The grievance of the respondent is that the subject property was settled in favour of her husband and after she lost her husband in the year 2013, the first and second petitioners cancelled the deed of settlement. The further case of the respondent is that she challenged the cancellation deed by way of filing a writ petition before this Court and this Court allowed the writ petition and quashed the registration of the cancellation deed. The further case of the respondent is that one Ravi had been given possession of the property and when this was questioned, she is said to have been threatened and abused by him.

3. Initially, the respondent gave a police complaint and the same was enquired and closed on 14.11.2018. Thereafter, the respondent has filed a private complaint before the Court below against the petitioners and the Court below has taken cognizance of the complaint for the offence under Section 506(i) of IPC against the petitioners. The Court below deleted Ravi from the array of accused persons.

4. Heard Mr.M.Ravikumar, learned counsel for the petitioners and Mr.T.Naveen chandar, learned counsel for the respondent.

5. A reading of the entire complaint shows that there is a property dispute among the parties and when the respondent had claimed her right, she is said to have been abused by the petitioners. It is stated in the complaint that the petitioners had threatened the respondent with dire consequences.

6. In the considered view of this Court, even if the allegations made in complaint are taken as it is, no offence of criminal intimidation has made out. It is now settled that an empty threat by itself will not make out an offence of criminal intimidation unless there is evidence to show that there was some overt act which makes such a threat a real one. Useful reference can be made to the judgment of this Court in Kumar @ Thambi Vs. State Rep. By The Inspector of Police, Dindigul Taluk Police Station, Dindigul District reported in 2012 (2) MLJ Cr1.154 and the judgment of the Hon'ble Supreme Court in Thirumagan and another Vs. The Superintendent of Police, Madurai District, Alagarkovil Road Madurai reported in 2019 (3) MLJ Cr1.295.

7. In the result, the continuation of the criminal complaint against the petitioners will amount to abuse of process of Court which requires the interference of this Court in exercise of its jurisdiction of Section 482 of Cr.P.C. The quashing of the complaint will not in any way have any impact on the civil proceedings that is said to be pending between the parties. This Criminal Original Petition is allowed accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

The Judicial Magistrate, Alandur.

+1 cc to Mr.M.Ravikumar,Advocate Sr No.12473

+1 cc to Mr.T.Naveen Chandar,Advocate Sr No.11701

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PMK (CO)
RG.26.04.2021 (3P/4C)



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