



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 15.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.12035 of 2017

and

Crl.M.P.Nos.7889 and 7890 of 2017

Raviraj . . . Petitioner/Accused-4

Versus

1. State Represented By,
The Inspector of Police,
All Women Police Station,
(Central), Coimbatore City,
(Cr.No.2 of 2016) . . . 1st Respondent/Complainant

2. Shilpa Rajendran . . . 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.16 of 2017, on the file of the judicial Magistrate, Additonal Mahila Court, Coimbatore and quash the same.

For Petitioner : Mr.K.V.Sridharan

For Respondents : Mr.S.Vinoth Kumar
Govt. Advocate (Crl.Side) for R1

: No appearance for R2

ORDER

This criminal original petition is filed to quash the proceedings in C.C.No.16 of 2017, filed against the accused for the offence under Sections 498-A, 406 and 506(i) IPC, on the file of the Judicial Magistrate, Additional Mahila Court, Coimbatore.

2. The crux of the prosecution story is that the A1 and the



de-facto complainant fell in love and got married. Thereafter, their marriage was solemnized. Within one month from the marriage, A1 to A3, received 215 sovereigns of gold jewels and did not return it. Similarly, A1 also obtained a sum of Rs.11 lakhs besides car and also received the salary of the de-facto complainant. When the matter stood thus, A4 who is the present petitioner under the pretext of Panchayat allegedly threatened the de- facto complainant and thereby committed an offence under Sections 498-A, 406 and 506(i) IPC.

3. The learned counsel appearing for the petitioner would contend that the only allegation against the petitioner is that he has participated in the Panchayat. Even the entire statements of L.W.1 and others do not implicate the accused with the complicity of the trial. Therefore, merely because A4 is relative of A1 and participated in Panchayat, it cannot be construed as an offence.

4. Heard the learned counsel on both sides and perused the entire materials available on record.

5. On perusal of the entire materials available on record, this court finds that the only allegation against the petitioner is that he has participated in the Panchayat in respect of a dispute between husband, wife and other family members. Except stating that he has also allegedly threatened the de-facto complainant in the Panchayat, there was no details whatsoever made anywhere in the complaint or the statements to the effect that she was subjected to such threat which caused danger to her life. Therefore, mere empty threat or allegation do not constitute an offence under Section 506 (i) IPC. In such view of the matter, continuing of the prosecution against A4 is a clear abuse of process of law. Hence, the proceedings in C.C.No.16 of 2017, on the file of the learned judicial Magistrate, Additonal Mahila Court, Coimbatore is liable to be quashed.

6. Accordingly, the criminal original petition is allowed and the proceedings in C.C.No.16 of 2017 on the file of the learned judicial Magistrate, Additonal Mahila Court, Coimbatore is quashed. Consequently, the connected criminal miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

psa/asr



To

1. The judicial Magistrate,
Additonal Mahila Court,
Coimbatore.
2. The Inspector of Police,
All Women Police Station,
(Central), Coimbatore City.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.V.Sridharan, Advocate, S.R.No.67668

Crl. O.P. No.12035 of 2017

RSI (CO)
SU(29/12/2021)