



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.22538 OF 2017

AND

CRL.M.P.NOS.13171 & 13172 OF 2017

M.A.S.Vignesh V.Kumar

... Petitioner

.Vs.

Duraikannan,
S/o.Abimanyur Gounder,
Edappalayam Village,
Semangalam Post,
Vanur Taluk,
Villupuram District.

... Respondent

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in C.C.No.209 of 2017 pending on the file of Learned Judicial Magistrate, Vanur, Villupuram District and quash the entire proceedings as against the petitioner.

For Petitioner : Mr.R.Amizhdhu

For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in C.C.No.209 of 2017 pending on the file of Learned Judicial Magistrate, Vanur, Villupuram District and quash the entire proceedings as against the petitioner.

2. The respondent has filed a private complaint before the learned Judicial Magistrate, Vanur and the same was taken cognizance by the trial Court for the offence u/s.294(B) and 506 (II) IPC.



3. The main allegation of the complaint itself shows as follows:

The petitioner's father had purchased certain lands for the purpose of constructing a college. It is the contention of the defacto complainant that he has facilitated the purchase of the said lands for which the father of the petitioner had agreed to give him commission at the rate of 2%, however, when the commission was not paid, he enquired about the same with the President of that Village viz. Ranganathan and the said Ranganathan had advised him to create altercation in the construction site and according to the complaint, the defacto complainant on 03.04.2017 went to the construction place and created ruckus and demanded money, at that time the petitioner appeared to have abused the defacto complainant with unparliamentary words and threatened him with dire consequences, due to which the defacto complainant on 03.04.2017 had given a complaint and the same was taken in C.S.R.No.17 of 2017.

4. Even though the private notice having been served on the respondent, the same has been refused to receive by him and there is no representation for the respondent even today.

5. In the normal course, this Court does not interfere with the complaint which is in initial stage before F.I.R. but in this case there are prima facie materials available on record indicates that the very allegation appears to have been pressed into service due to some personal motive to extract money and the allegations are appearing as a result of motive for some other reasons. Hence, this Court wants to prevent such prosecution by nibbing in the bud at the initial stage itself. The entire allegation appears to have taken place with regard to some money claim and on the alleged date of occurrence, the defacto complainant seems to have involved in some altercation demanding money, when the same was refused by the petitioner, the allegation was pressed into service as if the petitioner had abused him and the entire complaint came into existence with a view to constitute the offence as alleged.

6. In such view of the matter, the continuation of the prosecution is nothing but mere abuse of process of law and the same is liable to be quashed.

7. In the result, this Criminal Original Petition stands allowed, C.C.No.209 of 2017 pending on the file of Learned Judicial Magistrate, Vanur, Villupuram District is hereby



quashed. Consequently, the connected miscellaneous petitions are closed.

WEB COPY

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

kas/dk

To

1. The Judicial Magistrate,
Vanur, Villupuram District.
2. -Do- Thro The Chief Judicial Magistrate,
Villupuram.

CRL.O.P.NO.22538 OF 2017 &
CRL.M.P.NOS.13171 & 13172 OF 2017

PL(CO)
PBS/15/12/2021