



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 13.12.2021

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CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.26770 of 2017
and
Crl.M.P.No.15412 of 2017

1.K.Jayabalan
2.K.Govindan

. . . Petitioners

Versus

The Sub Inspector of Police,
Vikravandi Police Station,
Vikravandi,
Villupuram District.

. . . Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.39 of 2017 on the file of the Judicial Magistrate No.II, Villupuram, Villupuram District pending disposal of the above Criminal Original Petition.

For Petitioners : Mr.P.Vijendran
for M/s.M.Kalyani

For Respondent : Mr.R.Kishore Kumar
Govt.Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to quash C.C.No.39 of 2017, filed against the accused for the offence punishable under Sections 294(b) and 506(ii) IPC, pending on the file of the learned Judicial Magistrate No.II, Villupuram, Villupuram District.

2.The crux of the allegation in the First Information Report indicate that de facto complainant is the brother of the



petitioners herein/A.1 and A.2. When the de facto complainant entered the shop built by the other brothers, appears to have caused oral threat, thereby, the First Information Report came to be filed.

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3. Normally, this Court do not quash the First Information Report when there are serious allegations made or require investigation. At the same time, when the civil dispute given colour of criminal offence, the Court can very well interfere to prevent an abuse of process of law. The entire complaint itself clearly indicate that the de facto complainant infact has entered the shop built by his brother which was objected by his another brother. Except the allegation that accused appears to have threatened orally that he will strangulate his neck, no other allegation has been made. Therefore, mere oral threat do not constitute any offence. Further the very First Information Report itself indicate that the dispute relating to the share of the property between the brothers. Admittedly, the shop is built by the accused, where the de facto complainant has trespassed into the shop. In such a view of the matter, this Court is of the view that, continuing the First Information Report is nothing but an abuse of process of law.

4. In the result, this Criminal Original Petition is allowed. Proceedings in C.C.No.39 of 2017, on the file of the Judicial Magistrate No.II, Villupuram, Villupuram District is quashed. Consequently, connected Criminal Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

psa/mvs
To

1. The Judicial Magistrate No.II,
Villupuram, Villupuram District.

2. The Sub Inspector of Police,
Vikravandi Police Station,
Vikravandi,
Villupuram District.



3.The Public Prosecutor,
High Court, Madras.

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+lcc to M/s.M.Kalyani, Advocate Sr.66958

Cr1. O.P. No.26770 of 2017

gp[c]

srg 03/01/2022