



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE ON WHICH RESERVED : 16.03.2021

DATE ON WHICH PRONOUNCED : 09.04.2021

WEB COPY

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

CrI.O.P.(MD)Nos.13888 & 16877 of 2017

and

CrI MP (MD)Nos.11118, 9323 & 9324 of 2017

1.M.Venugopal

2.V.Balasaravanan

... Petitioners/Accused Nos.2 & 3
(in CrI.O.P.(MD)No.13888 of

2017)

V.Navaneethan

... Petitioner/1st Accused
(in CrI.O.P.(MD)No. 16877 of 2017)

Vs.

1.The State of Tamil Nadu,

Rep by its Inspector of Police,
Usilampatti Town Police Station,
Madurai District.

2.N.Ramya

... Respondent/Complainant
(in both petitions)

Common Prayer:Criminal Original Petitions filed under Section 482 Cr.P.C., to call for the records relating to the proceedings in First Information Report in Crime No.407 of 2017, on the file of the first respondent herein, and to quash the same in so far as the petitioners are concerned.

For Petitioners : Mrs.P.Jessi Jeeva Priya
(In both Petitions)

For R1 : Mr.M.Ganesan
Government Advocate (CrI.Side)
(In both Petitions)

For R2 : No Appearance
(In both Petitions)

COMMON ORDER

These Criminal Original Petitions have been filed to quash the First Information Report in Crime No.407 of 2017, on the file of the first respondent.



2. The facts In brief;

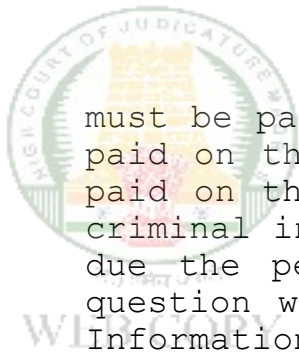
(i) The defacto complainant and her husband, namely the petitioner herein were lovers at the time of studying in Thiagarajar engineering college, Madurai. Their marriage was organised on 23rd November 2012. Subsequent to the marriage, the complainant got a job in America and subsequently the visa was converted into working visa. During that time, the petitioner was jobless and so, taken her to America. But, during February 2014, the complainant lost the job and she had to stay with her savings. From July 2014, the petitioner got a job and she had to stay in the house and even during that time, she was mentally and physically harassed by the petitioner. But, later, on 14 June 2016, the petitioner served a notice of divorce and the matter was pending in the court in United States of America. In the meantime, she came to Usilampatti on 20th May 2017 spending some time, with her aged father. At that time, she received a phone call from the petitioner on 28.06.2017 at 7:20 pm, criminally intimidated her that he will do away with her if she return to America and defend the case. The father of the petitioner namely, Mr.Venugopal and elder brother namely, Balasaravanan also asked her to obey the directions of the petitioner.

(ii) With this allegations she lodged the complaint with the first respondent police on 03.07.2017 and the same was registered for the offence under Section 506 (i) IPC. Before the investigation started the accused by the first respondent police, the husband, father and his elder brother have filed these criminal original petitions seeking quashment of the First Information Report.

3. Both sides were heard ;

4. Since common question of law and facts arise in both the petitions common orders are passed.

5. The point which arises for consideration in short is, whether the alleged words used by the petitioner in CrI.OP(MD) No.16877 of 2017 will attract the ingredients of offence punishable under Section 506 (i) even on the face of the First Information Report. The reading of the first information report clearly shows that both the petitioner and his wife named were known to each other even before marriage. The marriage was celebrated and the wife got job and later the petitioner also. For some reason or other, it appears that they fell apart, as a result of which, the petitioners filed a divorce petition before the court in United States of America. The case was pending, at the time of the incident. On that day, when she came to India for spending some time with her father, the petitioner criminally intimidated her that she should not come to America and defend the case, pending in the family court. Subsequent to the filing of the complaint, both separated. The order granted by the Superior Court of California would show that divorce was granted and the petitioner was directed to pay 3,591.00



must be paid in her account. The first instalment was ordered to be paid on the 15th of each month and the second instalment was to be paid on the 30th of each month. So, the alleged cause of action of criminal intimidation does not survive, since it is stated that only due to the pendency of the case the occurrence took place. So, the question which arises for consideration is whether still the First Information Report filed on the basis of the complaint must be continued by the investigation officer.

6. Mere verbal utterances made in the the situation will not attract an offence under Section 506 (i) IPC. The person against whom it was intended must be annoyed. So, even on the face of the averments made in the First Information Report the ingredients of the offence under Section 506 (I) IPC are not attracted. The parties separated by agreement and so, no useful purpose is going to be served in pursuing the First Information Report. Similarly, no allegations were levelled against the petitioners in CrI.OP(MD) No.16877 of 2017 to attract the offence under Section 506 (i) IPC.

7. So, for the reasons stated above the First Information Report in Crime No.407 of 17 pending on the file of the first respondent is liable to be quashed and accordingly quashed. Hence, these petitions are allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

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/ /2021

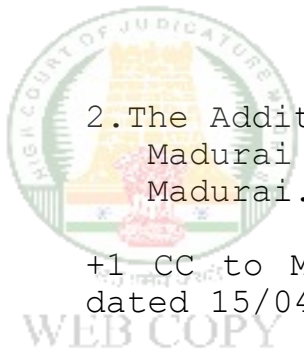
Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

dss

To

1. The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.



2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-15882[F]
dated 15/04/2021)

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Crl MP (MD) Nos.11118, 9323 & 9324 of 2017

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