



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.06.2022

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Cr1.O.P. No.8520 of 2022

and

Cr1.M.P.No.4951 of 2022

S.Alamelu

...Petitioner

Versus

C.G.Sri Priya

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, pleaded to call for the records in S.T.C.No.1538 of 2017 on the file of the learned Judicial Magistrate No.VII, Coimbatore Quash the same.

For Petitioner : Mr.R.Ramachandran

For Respondent : Mr.S.Saravanan

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.1538 of 2017 on the file of the learned Judicial Magistrate No.VII, Coimbatore.

2.The learned counsel appearing for the petitioner would submit that it is the case of matrimonial dispute between the husband and wife. The petitioner herein is arrayed as A4 in the private complaint and she is the sister in law of the defacto complainant. The case was taken on file by the learned Judicial Magistrate No.VII, Coimbatore and the learned Magistrate has taken cognizance for the offence punishable under Section 506 (i) of IPC. He would further submit that it is the mere bald statements of alleged threat would not attract the offence under Section 506(i) of IPC. The allegation found against the petitioner in this case is abuse of process of law. Hence, he prays to quash the complaint.

3. The learned counsel for the defacto complainant would submit that the learned Magistrate has taken cognizance based on the statement of the defacto complainant. The statement makes out offences, hence it require trial. Allegations in the



complaint against the present petitioner is that the petitioner and her family members went to the defacto complainant's home and threatened her with dire consequences. Hence, the defacto complainant has lodged a private complaint for the offences under Section 120 A, 339, 383, 420, 423, 442, 468, 500 r/w 34 of IPC on 15.09.2016 whereas, the learned Magistrate had taken cognizance only for the offence under Section 506 (i) of IPC. The above act of the accused affected the complainant's personal life as well as her business. Hence, he prays for dismissal of this Petition.

4. Heard the learned counsel for the petitioner and the learned counsel for the defacto complainant.

5. I have perused the entire materials and the sworn statement based on which, the private complaint was taken on file. The entire sworn statement on perusal makes it clear that it is the matrimonial dispute between the husband and wife. Thereafter, in the process it appears that on one occasion 07.09.2016, family members including the petitioner went to the house of the defacto complainant and made the statement that only for the sake of children they are remaining silent otherwise they will go to any extent. Other than above allegations nothing found against the petitioner.

6. On perusal of the entire statement, this Court is of the view that mere general allegation without actual intimidation causing danger to life would not constitute an offence under Section 506(i) of IPC. Considering the entire statement, this Court is of the view that the petitioner being a sister in law of the defacto complainant has been roped unnecessarily in personal dispute between the defacto complainant and her husband.

7. In such view of the matter, continuing criminal prosecution against the petitioner is abuse of process of law. Hence, this private complaint in S.T.C.No.1538 of 2017 on the file of the learned Judicial Magistrate No.VII, Coimbatore is quashed against the petitioner alone. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



To

1. The learned Judicial Magistrate No.VII,
Coimbatore.

2. -do through- The Chief Judicial Magistrate,
Coimbatore.

+1 cc to Mr.R.Ramachandran,Advocate Sr.No. 34350

+1 cc to Mr.S.Saravanan,Advocate Sr.No. 34398

CrI.O.P. No.8520 of 2022
and
CrI.M.P.No.4951 of 2022

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NSK/23/06/2022