



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.18272 of 2018

and

Crl.M.P.No.9576 of 2018

1.M.Murugan

2.M.Pugalendhi

3.M.Deepa

... Petitioners/A1 to A3

Vs.

1.The State represented by its
The Inspector of Police,
Neelankarai Police Station,
Chennai - 600 041.

2.Rajesh

... Respondents/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records connected to the FIR in Crime No.412 of 2018 dated 09.04.2018 on the file of the Inspector of Police, Neelankarai Police Station, Chennai District and quash the same.

For Petitioners: Mr.Krishnan
for M/s.C.Yokesh

For R1 : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.412 of 2018 dated 09.04.2018 on the file of the respondent Police, for the offences under Sections 294(b) and 506(ii) IPC.



2.The crux of the allegations in the FIR is that, when the de facto complainant, being a practicing lawyer, went to see his sister, there was an altercation between his sister and her family members. When he question that, the family members tried to assault the de facto complainant and also abused him, thereby, a complaint was lodged with the respondent Police and the FIR came to be registered pursuant to the orders of this Court under Section 482 Cr.P.C. in CrI.O.P.No.5231 of 2018.

3.Mr.Krishnan, learned counsel representing Mr.C.Yokesh, learned counsel for the petitioners, submitted that the FIR is nothing but a false case foisted out of a family dispute. The learned counsel further submitted that, when the FIR is taken on its face value, the offences under Sections 294(b) and 506(ii) IPC would not be attracted. The learned counsel reiterated that the FIR has been lodged merely based on family disputes and the same is liable to be quashed.

4.Heard the learned counsel on either side and perused the entire materials available on record.

5.Normally, when there are prima facie materials in the FIR, it is for the Investigating Agency to unearth the offences. However, in the present case, the crux of the allegations is that, when the de facto complainant went to meet his sister, it is said that there was an altercation between his sister and her family members. It is also alleged that, when the de facto complainant questioned the same, he was threatened and abused by the accused. Except the above, there are no details as to nature of threat or abusive words spoken by the accused. Therefore, mere general allegation of empty threat, without such threat causing any fear to the person, will not attract the offence under Section 506(ii) IPC. Similarly, in the absence of any abusive words, the offence under Section 294(b) IPC will not be attracted. Though the FIR does not contain the minute details, the entire FIR clearly indicates that it is a result of dispute among the family members and the FIR has been lodged with motive, and hence, the same can be quashed by this Court by exercising its powers under Section 482 Cr.P.C.



6. In such view of the matter, continuation of the FIR, which was registered due to some petty family quarrel, is nothing but abuse of process of law. Therefore, the FIR in Crime No.412 of 2018 on the file of the respondent Police is quashed and as a sequel, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

mkn
To

1. The Inspector of Police,
Neelankarai Police Station,
Chennai - 600 041.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Yokesh, Advocate Sr.4455

Cr1.O.P.No.18272 of 2018

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srg 10/02/2022