



WEB COPY

Crl.O.P.(MD)No.3504 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10/03/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.3504 of 2019

and

Crl.MP(MD)No.2000 of 2019

Raghu

: Petitioner/A6

Vs.

1.State rep by Inspector of Police,
District Crime Branch,
Thanjavur.

(Crime No.30 of 2016)

: R1/Complainant

2.Ammu

: R2/De-facto complainant

Prayer:Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in Crime No.30 of 2016, dated 25/11/2016 on the file of the 1st respondent police and quash the same as against the petitioner.

For Petitioner

: Mr.S.Kanagarajan

For 1st Respondent

: Mr.B.Nambi Selvan

Additional Public Prosecutor

For 2nd Respondent

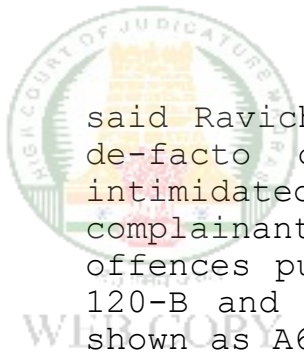
: Mr.R.Venkateshwar

O R D E R

This criminal original petition has been filed by the petitioner seeking quashment of the FIR in Crime No.30 of 2016 on the file of the 1st respondent police.

2.The case of the prosecution in brief:-

The de-facto complainant has lodged a complaint stating that he wants the property in survey No.50/17a measuring about 3 cents by way of purchase and put up a construction of house and later, he went to Chennai. In order to grab the property, the accused person by name Ravichandran impersonated the real owner and got the sale deed registered. Based on the above said forged sale deed, the above



said Ravichandran along with his family members tried to evict the de-facto complainant's father and mother and also criminally intimidated them. Based on the complaint given by the de-facto complainant, a case was registered in Crime No.30 of 2016 for the offences punishable under sections 419, 420, 423, 465, 468, 471 and 120-B and 506(2) IPC against eight persons and this petitioner is shown as A6 in the FIR.

3. Seeking quashment of the same, this petition has been filed by the petitioner solely on the ground that on the date of the alleged occurrence, this petitioner was Juvenile and now, he is facing the charge under section 506(ii) IPC before the Principal Magistrate, Juvenile Justice Board, Thanjavur.

4. Heard both sides.

5. The alleged occurrence said to have taken place on 25/11/2016. The allegation against this petitioner is that he along with the other co-accused persons criminally intimidated the parents of the de-facto complainant and tried to evict them from the house property.

6. The FIR reads that this petitioner also conspired with the other accused persons to commit the offence of conspiracy, impersonation etc. This petitioner was a minor at the time of the occurrence.

7. The contention on the part of the petitioner that he conspired along with A1 to fabricate the sale deed by impersonation is absolutely improbable and unbelievable also. So finding the improbability of the allegation, now the final report has been filed against the petitioner that he has committed the offence of 506(ii) IPC.

8. Reading of the FIR, as mentioned above, shows that only bald allegations have been made against this petitioner. It has been stated that mere oral threat is not enough to attract the offence of 506(ii) IPC. Threat must be a real one and a person against whom threat was made must entertain the fear. Apart from that, only after a long gap of five years, now final report has been filed before the Juvenile Justice Board, Thanjavur.

9. It appears that the case was not investigated in a proper manner. Now the proceedings, as per the provisions of Juvenile Justice (Care and Protection) Act, has not been followed by the respondent police during the course of investigation. Apart from that, the lapse on the part of the Investigating Officer, as mentioned earlier, even reading of the FIR as well as the final report does not disclose, even remotely the ingredients of the offence of 506(ii) IPC. So on that ground, the impugned proceedings are hereby quashed.



10.In the result, this criminal original petition is **allowed**.
The impugned FIR in Crime No.30 of 2016 is hereby quashed.
Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

er

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.

To,

- 1.The Inspector of Police,
District Crime Branch,
Thanjavur.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.KANAGARAJAN, Advocate (SR-11956[F] dated
14/03/2022)

Crl.O.P. (MD)No.3504 of 2019

10/03/2022

RK(29/04/2022) 3P 4C