



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.18526 of 2021
and
Cr.M.P. (MD)No.10225 of 2021

1.P.Kesari
2.K.Varusaikani
3.K.Oorkali

... Petitioners/
Accused Nos.2 to 4

Vs.

1.The State represented by
The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.
(Crime No.11 of 2016)

... 1st Respondent/
Complainant

2.P.Appu

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the First Information Report in Crime No.11 of 2016 dated 20.02.2016 on the file of the first respondent police for alleged offences under Sections 341, 294 (b), 506 (ii) read with Section 109 IPC and quash the same.

For Petitioners : Mr.T.Thirumurugan

For Respondents : Mr.B.Thanga Aravindh

Government Advocate (Crl.Side) for R.1

For R2 : No Appearance

ORDER

This Criminal Original Petition has been filed to quash the impugned FIR registered on the file of the first respondent for the offences under Sections 341, 294(b), 506 (ii) IPC read with Section 109 IPC.

2. The second respondent is the defacto complainant. Though notice has been served and his name is also printed in the cause list, he has not chosen to enter appearance.

3. I went through the contents of the FIR. The defacto complainant is said to be running a quarry. The defacto complainant



alleges that the first accused - Murugesan was threatening him and demanding a ransom amount. As against the petitioners herein, no specific allegation has been set out. The allegation against the petitioners is quite vague. The defacto complainant claims that the petitioners herein were abusing him often. The petitioners belong to one family. The first petitioner and the third petitioner are husband and wife. The second petitioner is the son of the petitioners 1 and 3. The first petitioner has filed O.S.No.138 of 2013 before the District Munsif cum Judicial Magistrate, Peraiyur, seeking permanent injunction. The defacto complainant and his brother and nephews have been shown as defendants in the said suit.

4. There is considerable force in the petitioner's counsel's contentions that since the first petitioner has obtained a decree against the defacto complainant, the impugned complaint has been given as a counter-blast. In the impugned FIR, there is no legally acceptable material to fasten penal liability on the petitioners. It is just and appropriate to quash the same as far as the petitioners are concerned. The impugned FIR is quashed only so far as the petitioners are concerned. The prosecution will go on as against the first accused - Murugesan. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
M.Kallupatti Police Station, Madurai District.

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

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-1826[F] dated
20/01/2022)

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and

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