



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 25/04/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Cr1.OP(MD)No.14538 of 2019

and

Cr1.MP(MD)Nos.8788 and 8789 of 2019

1.Anitha
2.Geetha
3.Sabikumar
4.Suganya
5.Vendamani
6.Nagammal
7.Rani
8.Deivarani

: Petitioners/A2, A3, A7, A8, A9,
A11, A12 and A13

Vs.

1.The Sub Inspector of Police,
Vilampatti Police Station,
Dindigul District.
(Crime No.33 of 2018) : R1/Complainant

2.Ananth : R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in CC No.389 of 2018 on the file of the Judicial Magistrate, Nilakottai, Dindigul District and quash the same.

For Petitioners : Mr.R.Suresh Kumar

For 1st Respondent : Mr.P.Kottai Chamy
Government Advocate
(Criminal side)

For 2nd Respondent : No appearance

O R D E R

This petition has been filed seeking quashment of the case in CC No.389 of 2018 on the file of the Judicial Magistrate, Nilakottai, Dindigul District.



2.The case of the prosecution in brief:-

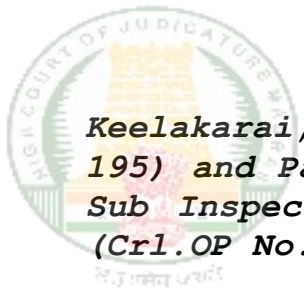
On 19/12/2016 at about 12.30 pm, when the de-facto complainant was walking on the Dindigul-Nilakottai road, the accused persons waylaid him, attempted to snatch his two sovereigns of jewels and tried to murder him. On the basis of the complaint given by the de-facto complainant, a case in Crime No.33 of 2016 was registered for the offences under sections 147, 341, 506(i), 379(NP) IPC @ 147, 341 and 506(i) IPC and after completing the formalities of investigation, final report was filed in CC No.389 of 2018 and it has taken cognizance by the trial court.

3. Seeking quashment of the same, this petition has been filed mainly on the ground that because of the previous motive between the parties over the love marriage of elopement, this false case has been registered and all the allegations mentioned, either in the FIR or in the final report does not attract any of the ingredients alleged against the petitioners.

4. Heard both sides.

5. Perusal of the files shows that there was previous enmity between two groups. The daughter of the 13th accused namely Deivarani was in love with one Gunasekaran. The de-facto complainant Ananth is the relative of the above said Gunasekaran. The 4th accused is the husband of the 13th accused. Gunasekaran and the daughter of the 4th and 13th accused loved each other and eloped, got married and settled somewhere. Because of the above said issue, there was continuous trouble between the parties. Over the above said elopement, enquiry was undertaken by the first respondent police officials. The above said Gunasekaran appeared before the enquiry officer, on 16/02/2016. Enquiry was undertaken, in which the de-facto complainant Ananth also appeared. The de-facto complainant is the friend of the above said Gunasekaran. The de-facto complainant took the Gunasekaran to his house and at that time, the accused persons alleged to have criminally intimidated him stating that he will be killed. In pursuance of the of the above said occurrence only, on 19/02/2016 at about 12.30 pm, the present occurrence said to have been taken place. So from the above said factual ground, the learned counsel appearing for the petitioner would submit that as mentioned earlier, no ingredients are attracted.

6. For attracting section 341 IPC, there must be clear averment to the effect that the de-facto complainant was prevented or confined or restrained. Similarly, for attracting the offence under section 506(i) IPC, mere verbal quarrel is not sufficient and it must be coupled with the clear intention on the part of the accused persons to cause the criminal intimidation. For that purpose, he would rely upon the decisions reported in the case of **S.Selva Kumar Vs. State through the Inspector of Police, All Women Police Station,**



Keelakarai, Ramanathapuram District and another (2015(2) MWN (Cr.) 195) and Panchaiyammal and another Vs. The State represented by its Sub Inspector of Police, 112 Police Station, Poonamalie, Chennai. (Cr1.OP No.20833 of 2018, dated 07/02/2019).

7. Another factual ground is that in respect of the very same issue, another case in Crime No.32 of 2016 was also registered, in which the de-facto complainant Ananth has been shown as A1. In the above said criminal case, it has been stated that on 16/02/2016, enquiry was undertaken by the Nilakottai Police Station, with regard to the elopement between the Sapitha and Gunasekaran. On 19/02/2016, when Devairani, who is the de-facto complainant in the above said crime was attending her work, Ananth and others came there and at the instance of the de-facto complainant herein namely Ananth, other accused assaulted the Deivarani and outraged her modesty. The date of the occurrence is stated to be 19/02/2016. Here also find the date of occurrence stated to be on 19/02/2016. The time of occurrence is stated to be at 2.00 pm, whereas in the above said case, the time of occurrence is stated to be at 12.30 noon. So it is seen that it is a case and counter. But the occurrence was taken place in different time. So even though, it is submitted that the allegations are not attracted any of the ingredients of the offences, since it is a case and counter, the petitioner has to undergo the trial process.

8. In the result, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :

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To,

WEB COPY

- 1.The Judicial Magistrate,
Nilakottai,
Dindigul District.
- 2.The Sub Inspector of Police,
Vilampatti Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

GM(CO)

TR(13.06.2022) 4P 4C