



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18/03/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.12283 of 2018

and

Crl.MP(MD)No.5570 of 2018

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Raja @ Rajarathinam : Petitioner/Sole Accused
Vs.

1.The State by
The Inspector of Police,
Pattukottai Town Police Station,
Pattukottai,
Thanjavur District,
(Crime No.170 of 2018) : R1/Complainant

2.Ponnammal : R2/De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in Crime No.170 of 2018 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.B.Jameel Arasu
For 1st Respondent : Mr.SS.Madhavan
Government Advocate
(Crl. side)
For 2nd Respondent : No appearance

O R D E R

This criminal original petition has been filed by the petitioner seeking quashment of Crime No.170 of 2018 of 2019 on the file of the 1st respondent.

2.The case of the prosecution in brief:-

On 06/08/2018 at about 9.00 am, when the de-facto complainant was in the house along with her son, her son-in-law, Dr.Raja Muthiah came there to visit his son, who was sick. At that time, the accused trespassed into the house, abused him in filthy language and also criminally intimidated by showing a knife. He also scolded the Raja Muthiah without minding that he is her son-in-law. The reason for such occurrence is that his son by name Gunasekaran was running a shop in Singapore called 'Komalas'. The accused opened the shop with the same name. So because of the above said issue, his son filed a suit against the said Raja @ Rajarathinam. He has also criminally intimidated the de-facto complainant and his son to withdraw the case, otherwise they will be killed. Based upon the complaint given by the de-facto complainant, the case has been registered in Crime No.170 of 2018 for the offences under sections 448, 294(b) and 506 (i) IPC.



3. Seeking quashment of the same, this petition has been filed by this petitioner on the ground that there was a delay of 6 days in lodging a complaint and the delay itself shows that the occurrence did not take place. More over, it is the contention on the part of the petitioner that this is a counter blast to the complaint given by the wife of the petitioner, on 13/06/2018. In respect of the complaint given by his wife, no action has been taken. The de-facto complainant borrowed money from the father of the petitioner, for which, he was also issued a cheque. That amount was not paid. When that was demanded back, to avoid the above said civil liability, this false case has been registered.

4. Heard both sides.

5. Perusal of the complaint shows that there was some enmity between the accused persons and the son of the de-facto complainant over the opening of the shop in Singapore. The son of the de-facto complainant filed a suit in Singapore Court against this petitioner over the business dispute. Now demanding withdrawal of the above said case, it is alleged that this petitioner trespassed into the house of the de-facto complainant, scolded them in filthy language and also criminally intimidated.

6. Now the learned counsel appearing for the petitioner would submit that the offence said to have been taken place within the house of the de-facto complainant, so section 294(b), does not attract to such a situation.

7. Section 294(b) IPC reads as follows:-

"(b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both."

8. According to him, this is not a public place and filthy language was not used in the eye and ear of the public. So this offence is not attracted. With regard to section 506(i) IPC, his contention is that no statement on the side of the de-facto complainant that because of the above said threat, she entertained fear of death.

9. No doubt that 294(b) IPC may not be attracted to the facts and circumstances of the case, But the offence under sections 448 and 506(1) IPC is a matter for investigation.

10. The specific allegation is that the petitioner by showing the knife, caused life threat and whether, there was any motive with



regard to the above said money transaction, which involves between the father of the petitioner and the de-facto complainant, is a matter for investigation. Similarly, it is case of counter blast complaint, that was given by the wife of the petitioner is also a matter for investigation.

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11. Merely, there is a delay on the part of the de-facto complainant in lodging the complaint, cannot be a matter for consideration, while exercising the jurisdiction under section 482 Cr.P.C. So I am of the considered view that the investigation must be taken to its logical conclusion. Even though, if the petitioner is not satisfied with regard to the filing of the final report by the police, he can work his remedy through the appropriate process. Except this, no other relief can be granted to the petitioner. So, this is not a fittest case to quash the impugned proceedings.

12. In the result, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

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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,
Pattukottai Town Police Station,
Pattukottai,
Thanjavur District,
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD)No.12283 of 2018
18/03/2022

RK(01/04/2022) 3P 3C