



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.20039 of 2021

&

Crl.M.P(MD)No.11291 of 2021

S.A.A.Amalorpavarani ... Petitioner/Sole Accused

Vs.

1. The Inspector of Police,
Thirugokarnam Police Station,
Pudukkottai District.
(Crime No.749 of 2021) ... 1st Respondent/Complainant

2. Gunaseeli ... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records and quash the FIR filed as against the Petitioner in Crime No.749 of 2021 dated 20.11.2021 on the file of the Inspector of Police, Thirugokarnam Police Station, Pudukkottai District.

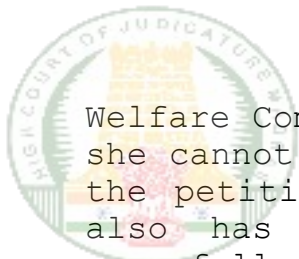
For Petitioner : Mr.H.Arumugam
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)
for R.1

Mr.J.Vishnu for R.2

ORDER

This Criminal Original Petition has been filed to quash the FIR filed as against the Petitioner in Crime No.749 of 2021 dated 20.11.2021 on the file of the Inspector of Police, Thirugokarnam Police Station, Pudukkottai District.

2. The case of the prosecution is that the petitioner, who is a member of Juvenile Justice Board, Pudukkottai, went to the residence of defacto complainant on 14.11.2021, at about 3.30 p.m and had threatened the defacto complainant for not selecting her for the personal interview to be held on 16.11.2021 for the post of Child



Welfare Committee Member stating that her brother is an Advocate and she cannot live peacefully having invited enmity with her. Further, the petitioner had threatened stating that the defacto complainant also has a daughter and she would see how they could live peacefully. Subsequently, the complaint came to be given on 20.11.2021 at 04.00 p.m and the FIR was registered for the alleged offences under Sections 294(b) and 506(i) IPC. Therefore, there is absolutely no material to attract the offence under Sections 294(b) and 506(i) I.P.C. as against the petitioner. In this regard, it is relevant to extract the judgment of this Court in *Crl.O.P.(MD) No.11030 of 2014 (Abdul Agis Vs. State through the Inspector of Police)*, which reads as follows:-

"7.It is seen from the statements recorded under Section 161(3) of Cr.P.C. of the second respondent/ defacto complainant that it does not contain any obscene words, which were uttered by the petitioner herein and the entire allegations are very simple in nature. It is also seen from the statement of one Uthami, that the petitioner threatened the defacto complainant with dire consequences when he dashed the defacto complainant. The entire allegations are trivial in nature. Further, to attract the offence under Section 506(i) of I.P.C., there was a threatening only by words. As pointed by the learned counsel appearing for the petitioner, the threat should be a real one and not just a mere word when the petition uttering does not exactly mean what he says and also when the person to whom threat is launched does not feel threatened actually. Therefore, the offences under Sections 294(B) and 506(i) of I.P.C. are not made out as against the petitioner herein and also the entire criminal proceedings is clear an abuse of process of Court. Therefore, this Court is inclined to quash the entire proceedings."

3. The above judgment is squarely applicable in the case on hand. As such, the present complaint is nothing but clear abuse of process of law and it cannot be sustained as against the petitioner. Hence, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

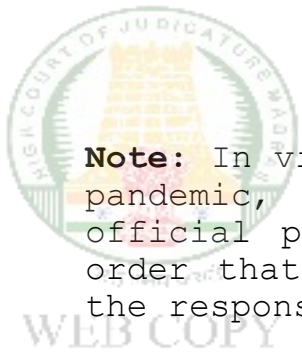
Assistant Registrar (As)

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/ /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,
Thirugokarnam Police Station,
Pudukkottai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-13984[F] dated 23/03/2022)
Crl.O.P(MD)No.20039 of 2021
&
Crl.M.P(MD)No.11291 of 2021
22.03.2022

MGJ(25.04.2022) 3P 4C