



Crl OP No.18956 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Criminal Original Petition No.18956 of 2019
and Crl.M.P.No.9667 of 2019

M.Selvakumar

... Petitioner/Accused

Versus

1. State Rep. by
Inspector of Police,
R2, Kodambakkam Police Station,
Chennai 600 024.

2. V.E.Shiva

... Respondents/Complainants

Prayer : Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code seeking to call for the records in FIR No.657 of 2018 pending on the file of Inspector of Police, Kodambakkam Police Station, Chennai and quash the same.

For Petitioner : Mr.V.J.Arulraj

For Respondent : Mr.S.Balaji
Govt. Advocate (Crl. Side), for R1

Mr. A.M.Natraj, for R2



Crl OP No.18956 of 2019

ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the FIR for the alleged offences under Sections 294(b), 507, 506(i) of IPC.

2. The allegation in the FIR is that the petitioner is the landlord of the premises in which the second respondent is the tenant; that the petitioner had threatened the Defacto Complainant with dire consequences and he did not vacate the premises; that on 18.11.2016 and 19.11.2016, the second respondent received a phone call from a Mobile No.9940520850, and the caller had threatened the Defacto Complainant of dire consequences if he did not vacate the premises; that on the same day the second respondent saw a Car bearing Registration No.TN 03 L 8934 standing outside the premises in the suspicious manner. Hence the FIR.

3. The learned counsel for the petitioner would submit that the dispute is purely between the landlord and the tenant. The petitioner had filed RCOP No.234 of 2018 against the second respondent in respect of another property which is let out to the second respondent; that the defacto Complainant was in the habit of causing trouble and a complaint



has been filed by the other tenants against the Defacto Complainant in Crime No.1384 of 2017. The learned counsel submitted that even if the allegations are true it does not implicate the petitioner in any manner. The alleged phone calls were not made by the petitioner admittedly. Hence the offences under Sections 294(b), 507, 506(i) of IPC are not made out.

4. The learned counsel for the second respondent however submitted that RCOP filed by the petitioner against the second respondent was subsequent to the filing of the complaint. The FIR lodged by the other tenants against the Defacto Complainant had nothing to do with the impugned FIR. The impugned FIR was lodged as the petitioner had threatened the Defacto Complainant through another person. That apart a Car bearing Registration No.TN 03 L 8934 was found standing outside the premises on the same day in a suspicious circumstances. Hence the offence under Sections 294(b), 507, 506(i) of IPC is made out.

5. This Court on perusal of the impugned FIR finds that the alleged threatening calls were not made by the petitioner. In any case the offence



Crl OP No.18956 of 2019

under Section 294(b) is not made out as the necessary ingredient that obscenity words must be uttered in a public place is absent. There is no allegation that the petitioner threatened the Defacto Complainant. Admittedly the number from which the calls were made to the second respondent is known to the second respondent and therefore, it cannot be said that it was criminal intimidation by an anonymous communication. Hence the offence under Section 507 is also not made out.

6. As regards the offence under Section 506(i) IPC, this Court has repeatedly held that there must be a real threat. Admittedly the petitioner has not made any such real threat. A dispute between the landlord and tenant cannot be subject matter of investigation in the absence of necessary ingredients to attract the offences alleged.

7. For the foregoing reasons, this Court is of the view that the impugned FIR is an abuse of process of law and it is liable to be quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

jv

24.04.2023



Crl OP No.18956 of 2019

WEB COPY

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

The Inspector of Police,
R2, Kodambakkam Police Station,
Chennai 600 024.



WEB COPY



Crl OP No.18956 of 2019

SUNDER MOHAN, J.

jv

Criminal Original Petition No.18956 of 2019
and Crl.M.P.No.9667 of 2019

24.04.2023