



WEB COPY



Crl OP No. 20412/ 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.20412 of 2021 and
Crl.M.P.Nos.11099 of 2021 and 12630 of 2022

Dr.K.Priya

...Petitioner/A4

Versus

1. The State rep by its
Inspector of Police,
Central Crime Branch,
EDF – 1, Team – 2,
Vepery, Chennai – 600 007. ...First Respondent/Complainant

2. Kamalahasan ...Second Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records in C.C.No.4301 of 2021 now pending on the file of the Hon'ble Metropolitan CCB & CBCID Magistrate Court, Egmore, Chennai and quash the same.

For Petitioner : Mr.R.Ganesh Kumar

For R1 : Mr. R.Vinoth Raja
Government Advocate (Crl.Side)

For R2 : Mr.R.Chellamuthu



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ORDER

The petition is to quash the final report for the alleged offences under Sections 406, 420, 506 (i) r/w 120 (B) of the Indian Penal Code.

2. It is alleged in the final report that the defacto complainant/second respondent is a nephew of the third accused and the first accused is the friend of third accused; that the first accused and the third accused represented to the defacto complainant that they were promoting a property in Thenpakkam village at Kanchipuram district, and promising to construct a house for the defacto complaint received a sum of Rs.75,00,000/- (Rupees Seventy Five Lakhs only); that when the accused did not keep up their promise, the defacto complainant sought return of the said amount, the first accused had issued a cheque which was dishonoured. Thus, they had committed the aforesaid offences.

3. Mr.R.Ganesh Kumar, the learned counsel for the petitioner submitted that she is arrayed as fourth accused and she is the daughter of the third accused; that there is no allegation of cheating as against her; that the only allegation against the fourth accused is that when the defacto complainant went to the house of the third accused, she had threatened the



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defacto complainant that she would file a false complaint against him; that the allegation besides being false would not constitute the offence of criminal intimidation; that the petitioner who is a Doctor is sought to be implicated only to wreak vengeance on the first and third accused.

4. Mr.R.Vinoth Raja, the learned Government Advocate (Crl.Side) for the first respondent and Mr.R.Chellamuthu, the learned counsel for the second respondent submitted that there are allegations which have to be adjudicated only before the Trial Court and submitted that the fourth accused is also guilty for the offence of criminal intimidation and prayed for dismissal of the quash petition.

5. This Court finds that admittedly there is no allegation of cheating as against the fourth accused. The allegation is that the third accused, who is the paternal uncle of defacto complaint and the first accused deceived and then received a sum of Rs.75,00,000/-; that they did not make any construction as promised and; that the cheque of the first accused, which was meant to repay the said amount got dishonoured. The only allegation against the fourth accused is that she had made a threat that she would implicate the defacto complainant in a false case.



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6. This Court is of the view that the allegations even if accepted to be true would not constitute the offence of criminal intimidation. Mere words without any real threat would not attract the offence of criminal intimidation, as held by this Court in several cases.

7. That apart, this Court finds that the petitioner had nothing to do with the alleged transaction and has been implicated only to wreak vengeance. Hence, the impugned final report as against the petitioner is liable to be quashed. Since the final report is of the year 2021, the learned Chief Metropolitan Magistrate, Egmore, Chennai may expedite the process of trial and conclude it as expeditiously as possible.

8. Accordingly, the Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

28.06.2023

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Index : Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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To

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1. The Metropolitan CCB & CBCID Magistrate Court,
Egmore,
Chennai.
2. The Inspector of Police,
Central Crime Branch,
EDF – 1, Team – 2,
Vepery, Chennai – 600 007.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

SUNDER MOHAN, J.



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