



CrI.O.P.No.26599 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.26599 of 2023

Akbar Ali

... Petitioner

-VS-

1. The Inspector of Police,
Peralam Police Station,
Thiruvavarur District.

2. Sheik Beevi

... Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the First Information Report in Crime No.386 of 2015 dated 19.08.2015 on the file of the 1st respondent Police for the offence under Section 147, 447, 323, 506(ii) of IPC r/w. Section 4 of Women Harassment Act, and quash the same.

For Petitioner

: Ms.D.Sahithya for
Mr.Veera santhi

For Respondent 1

: Leonard Arul Joseph Selvam,
Government Advocate (CrI.Side)



CrI.O.P.No.26599 of 2023

WEB COPY

ORDER

One HajaMaideen committed suicide by hanging himself but his wife did not inform about the same to the family members of her husband. When the death of HajaMaideen came to the knowledge of the petitioner and other family members, on 18.08.2015, they all had gone to the house of the defacto complainant and questioned her that why she did not inform about the death of HajaMaideen. At that time, they had entered into a wordy quarrel and also physical assault, hence the defacto complainant has given a complaint in Crime No.386 of 2016 before the first respondent police for alleged offence under Sections 147, 447, 323 and 506(ii) IPC and Section 4 of Women Harassment Act.

2. This complaint is still under investigation and final report not yet filed, even after eight years of the alleged occurrence. Therefore, the present petition is filed to quash the complaint on the ground that the complaint itself is a false complaint to cover up the omission of the defacto complainant to inform about the unnatural death of her husband



CrI.O.P.No.26599 of 2023

WEB COPY

HajaMaideen, either to the police or to his family members and further the inordinate delay in completing the investigation is set by law limitation prescribed under Section 468 Cr.P.C.

3. The offences alleged in the FIR and the punishment prescribed under the Code is as below:

<i>Offence</i>	<i>Punishment</i>
Section 147 IPC	Punishment—Imprisonment for 2 years, or fine, or both—Cognizable—Bailable—Triable by any Magistrate—Non-compoundable.
Section 447 IPC	Punishment—Imprisonment for 3 months, or fine of 500 rupees, or both— Cognizable—Bailable—Triable by any Magistrate—Compoundable by the person in possession of the property trespassed upon
Section 323 IPC	Punishment—Imprisonment for 1 year, or fine of 1,000 rupees, or both—Noncognizable—Bailable—Triable by any Magistrate—Compounded by the person to whom the hurt is caused.
Section 506(ii) IPC	Para II: Punishment—Imprisonment for 7 years, or fine, or both—Non cognizable—Bailable—Triable by Magistrate of the first class—Non compoundable.
4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998	to be punished with imprisonment for a term which may extend to three years and with fine shall not be less than ten thousand rupees.

4. The offence under Section 506(ii) is punishable with



CrI.O.P.No.26599 of 2023

WEB COPY

imprisonment upto 7 years and therefore, the point of limitation raised by the petitioner cannot be considered in favour of the petitioner. However, this Court finds that the defacto complainant has not even informed about the unnatural death and buried him with the help of Jamaat, the said HajaMaideen has returned from Foreign, two days just before his death. Therefore, the family members of HajaMaideen, on hearing the unnatural death of HajaMaideen, had questioned the defacto complainant and in the said process, the alleged incident has taken place.

5. The petitioner herein is the cousin of HajaMaideen, the allegation against him in the complaint is that he is a member of the unlawful assembly, threatened the defacto complainant with dire consequences. Even if the said allegation is held to be proved itself will not attract offence under Section 506(ii) IPC, since the complaint itself states that after the threat, they all left the place in the Van.



CrI.O.P.No.26599 of 2023

WEB COPY

6. Hence, this Court allow the petition to quash the FIR in Crime No.386 of 2015, dated 19.08.2015. Hence, this Criminal Original Petition is allowed. Accordingly, FIR in Crime No.386 of 2015, dated 19.08.2015 is hereby quashed.

14.12.2023

Index : Yes/No

Neutral Citation : Yes/No

rkp

To

1.The Inspector of Police,
Peralam Police Station,
Thiruvarur District.

2.The Public Prosecutor,
Madras High Court, Madras.



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Crl.O.P.No.26599 of 2023

Dr.G.JAYACHANDRAN, J.

rkp

Crl.O.P.No.26599 of 2023

14.12.2023