



Crl.O.P.(MD).No.4203 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.09.2023

CORAM:

**THE HONOURABLE MR. JUSTICE P.DHANABAL**

Crl.O.P.(MD).No.4203 of 2021

and

Crl.M.P(MD) No.4876 of 2021

Pandiyarajan

... Petitioner

Vs.

1. The Inspector of Police  
Palani Town Police Station  
Dindigul District

2. Premkumar

..Respondents

**PRAYER:** This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the case in Crime No.112 of 2021 pending on the file of the Inspector of Police, Palani Town Police Station, Dindigul District and quash the same as against this petitioner.

For Petitioner : Mr.R.Anand

For R-1 : Mr.M.Sakthikumar  
Government Advocate(Crl.Side)

For R-2 : No appearance



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## **ORDER**

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This Criminal Original Petition has been filed to quash the First Information Report in Crime No.112 of 2021 pending on the file of the Inspector of Police, Palani Town Police Station, Dindigul District

2. According to the petitioner based on the complaint given by the second respondent, the first respondent registered a case in Crime No.112 of 2021 for the offences under Sections 323 and 506(i) of IPC. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.30 lakhs from the petitioner and thereafter he repaid a sum of Rs.20 lakhs and remaining Rs.10lakhs has not been repaid. On the date of occurrence on 24.02.2021 the petitioner called the defacto complainant and demanded the due to be paid by the defacto complainant for which there was a wordy quarrel. At that time, the petitioner slapped him on his cheek and also threatened with dire consequences. This is the crux of the complaint. Infact no occurrence happened as alleged in the First Information Report. This petitioner already paid a sum of Rs.30 lakhs to the second respondent and he only repaid Rs.20 lakhs and still he has to pay Rs.10 lakhs. When the petitioner asked to repay the same the present complaint has been lodged. Even according to the First Information Report the offence under Section 506 (ii) of IPC would not attract and slapping would come



under the general exemption under Section 95 of IPC and therefore the pending First Information Report is abuse of process of law and thereby it is liable to be quashed.

3. No counter was filed by the respondents.

4. The learned counsel appearing for the petitioner would contend that the defacto complainant has borrowed a sum of Rs.30 lakhs from the petitioner and then he repaid only Rs.20 lakhs and remaining Rs.10 lakhs has to be paid by the defacto complainant. When the same was questioned by the petitioner the defacto complainant has given false complaint and the same is nothing but pure abuse of process of law. Even according to the First Information Report the averments do not constitute any offence under Section 506(ii) of IPC and mere threat is not sufficient to constitute the offence and there is no threat caused in the minds of the defacto complainant and further no injuries sustained by the defacto complainant and thereby the First Information Report is liable to be quashed.

5. The learned Government Advocate(Crl.Side) appearing for the first respondent would contend that based on the complaint given by the second respondent, the first respondent registered a case in Crime No.112 of 2021 for the offences under Sections 323 and 506(i) of IPC and



the investigation is still pending. As per the First Information Report offences are made out as against this petitioner and at this stage this petition is not maintainable and is liable to be dismissed.

6. Heard both sides and perused the materials available on record.

7. It is admitted that there is money dispute pending between the petitioner and the second respondent. According to the petitioner the second respondent has to pay a sum of Rs.10 lakhs to the petitioner and when the same was questioned by the petitioner there was a wordy quarrel between them. At that time the petitioner slapped on the cheek of the defacto complainant. This Court also perused the First Information Report. On perusal of the First Information Report it is revealed that due to money dispute there was wordy quarrel between the petitioner and the defacto complainant, at that time the petitioner slapped on the cheek of the defacto complainant and also caused criminal intimidation. The above said allegation with regard to the criminal intimidation is not specific and it is vague one. Further on perusal of the First Information Report it is revealed that due to money dispute complaint has been lodged. It is well settled law that when the complaint is given with malafide contention to settle civil dispute pending between the parties, the lodging of complaint is abuse of process of law. In the



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case on hand also it is admitted that for money dispute between the parties this complaint was given. Even according to the complaint there is no any injury caused to the complainant. Therefore mere slapping will come under general exemption under Section 95 of I.P.C and on this ground also this First Information Report is liable to be quashed.

8. In this context the learned counsel appearing for the petitioner relied on the order passed by this Court in the case of Jayakumar.vs. The Inspector of Police, Karumalaikoodal Police Station in CrI.O.P(MD)No.6029 of 2021, wherein this Court while quashing the First Information Report for the offences under Sections 147,148,294(b), 353,506(2) of IPC by observing that the act would come under the general exemptions under Chapter IV of IPC.

9. On a careful reading of the above judgment this Court has quashed the case for the offence under Section 353 of IPC. In the case on hand the offence is under Section 323 of IPC that too no any injuries sustained by the second respondent only slapped on the cheek and not even complained of pain and it is trivial in nature thereby this case will also come under the general exceptions under Section 95 of IPC.

10. Accordingly this Criminal Original Petition is allowed and the First Information Report in Crime No.112 of 2021 on the file of the



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first respondent is hereby quashed. Consequently connected miscellaneous petition is closed.

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**22.09.2023**

Index : Yes / No

Internet : Yes / No

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To

1. The Inspector of Police  
Palani Town Police Station  
Dindigul District
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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P.DHANABAL, J.

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