



Crl.O.P.(MD)No.862 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.08.2023

CORAM:
THE HONOURABLE MR.JUSTICE P.DHANABAL
CRL.O.P.(MD)No.862 of 2019
and
CRL.M.P.(MD)Nos.362 & 363 of 2019

1.Valarmathy

2.Vadivel

... Petitioners / Accused Nos.1 & 2

Vs.

1.The State rep. by

The Inspector of Police,
Ariyamangalam Police Station,
Trichy City.
(Crime No.368 of 2018)

... 1st Respondent / Complainant

2.Kumaresan

... 2nd Respondent /
Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, praying this Court to call for the entire records pertaining to the charge sheet in C.C.No.415 of 2018 on the file of the learned Judicial Magistrate No.VI, Trichy and quash the same.

For Petitioners	: Mr.B.Jameel Arasu
For R1	: Mr.M.Sakthi Kumar, Government Advocate (Crl.Side)
For R2	: Mr.B.Janarth Kumar



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ORDER

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This petition is filed seeking to quash the charge sheet in C.C.No.415 of 2018 on the file of the learned Judicial Magistrate No.VI, Trichy for the offences punishable under Sections 294(b), 506(ii) and 427 IPC.

2.The prosecution case is that the 1st petitioner is the own aunt of the defacto complainant / 2nd respondent and she has been maintaining Tirumalai Modern Rice Mill in her own control and running the same. In connection with the above property, there were some disputes and some civil suits are pending before the civil Courts concerned. That being so, when the defacto complainant was attempting to erect service connection on the property of the 1st petitioner, the 1st petitioner abused the defacto complainant with filthy language, criminally intimidated him and damaged the property of the parents of the defacto complainant. Hence, the 2nd respondent has given a complaint before the 1st respondent.

3.Based on the aforesaid allegations, an FIR has been registered in Crime No.368 of 2018 for the offences punishable under Sections 294(b), 379, 344, 448, 452, 506(i) and 34 IPC by the 1st respondent Police and thereafter, the 1st respondent without conducting any proper enquiry and proper investigation, filed final report and the same was taken on file by the learned Judicial Magistrate No.VI, Trichy in



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C.C.No.415 of 2018 for the offences punishable under Sections 294(b), 506(ii) and 427

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IPC. No counter was filed by the respondents.

4.The learned counsel for the petitioners would contend that due to civil dispute regarding electricity service connection among the family members, the present false complaint has been given by the 2nd respondent. The 1st petitioner earlier filed W.P.(MD)No.19908 of 2017 before this Court to forbear the official respondents from providing electricity service connection as requested by one Yogambal for the property in question and the same was disposed of by this Court vide order dated 30.10.2017 with a direction to the official respondents to maintain *status-quo*. However, the same has not been considered by the respondent Police. In fact, the defacto complainant attempted to get service connection and the same was prevented by the petitioners, thereby, in order to wreck vengeance, the present complaint has been filed. Therefore, the charge sheet in C.C.No.415 of 2018 on the file of the learned Judicial Magistrate No.VI, Trichy is liable to be quashed.

5.The learned counsel appearing for the 2nd respondent would contend that when the 2nd respondent went to the property in question for erecting service connection, the 1st petitioner had abused him in filthy language and criminally intimidated and damaged the lock in the gate of the property in question. Thereby, the 2nd respondent lodged a complaint before the 1st respondent and the 1st



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respondent also registered the FIR in Crime No.368 of 2018 and thereafter, since
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prima facie materials are available against the petitioners, filed final report. As per the final report, the offences under Sections 294(b), 506(ii) and 427 IPC are clearly attracted against the petitioners. Therefore, the petitioners have to face trial. Hence, he sought for dismissal of this petition.

6.Heard the learned counsel on either side and perused the materials available on record carefully.

7.A perusal of the charge sheet in C.C.No.415 of 2018 shows that charge sheet was filed for offences under Sections 294(b), 506(ii) and 427 IPC. As far as Sections 294(b) and 506(ii) IPC are concerned, there is no specific overt act as against the petitioners and in respect of the offence under Section 427 IPC, for the alleged damage of the property, no specific value has been mentioned. Further, it is an admitted fact that there is a civil dispute pending between the parties with regard to the property in question. Due to which, the present complaint has been filed with bald allegations. Therefore, these petitioners need not face trial and thereby, this Court is inclined to quash the proceedings in C.C.No.(*)415 of 2018 on the file of the learned Judicial Magistrate No.VI, Trichy, accordingly, it is quashed.

8.In the result, this Criminal Original Petition is allowed. Consequently,



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connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CS II)

**(*)Corrected as per the order of this Court dated. 12.02.2024 in
CRL.O.P.(MD) No.862 of 2019**

Sd/-

Assistant Registrar(CS II)

// True Copy //

/02/2024

Sub Assistant Registrar
(CS-I/II/III/IV)

Yuva

(*)To be substituted to the order already despatched on 21.09.2023.

To

1.The Judicial Magistrate No.VI, Trichy.

2.The Inspector of Police,
Ariyamangalam Police Station, Trichy City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-4640[F] dated 14/02/2024)

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MGJ(19.09.2023) 6P 5C

SI(21.02.2024) 6P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023