



Crl.O.P(MD).No.15146 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 15.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.15146 of 2020

and

Crl.M.P.(MD)No. 7277 of 2020

1. Patchaiammal
2. Anjali

...Petitioners

Vs

1. The Inspector of Police
Chinnalapatti Police Station
Dindigul District

2. Senthiaippan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to quash the proceedings in Crime No.30 of 2019 as far as the petitioners is concerned pending on the file of the first respondent.

For Petitioners : Mr.Swarnam J. Rajagopalan

For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R-2 : M/s.J.Saranya

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.30 of 2019 on the file of the first respondent police.



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2. According to the petitioners based on the complaint given by the second respondent the first respondent registered a case in Crime No.30 of 2019 for the offences under Sections 147,148,294(b),324, 506(ii) of IPC and Section 4 of TNPHW Act. The case of the prosecution is that there is land dispute pending between the parties before the District Munsif Court, Dindigul and due to that enmity there are frequent quarrel between the parties and on 04.02.2018 at about 8.30 pm., when the defacto complainant and her mother were in the house one latha W/o. Ganesan and Inbarasan scolded that why they have not vacated the house and used obscene words and torn the shirt of one Eswari. Thereafter latha and the mother of Inbarasan assaulted with iron rod on the shoulder and then Anbarasan also assaulted the defacto complainant and her mother. Further the accused persons caused criminal intimidation that they have to vacate the premises otherwise they would will her. Based on the said allegations the First Information Report has been registered. Infact there is a land dispute between the parties and due to that movie this vexatious complaint has been filed as against these petitioners. So far as the offences mentioned in the First Information Report are concerned no any offences are made out as against these petitioners. Mere reading of the complaint and the alteration report would show that it is an after thought and inorder to show *prima facie* recorded further statement by implicating the



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petitioners is pure abuse of process of law. Further in order to constitute the offence under Section 294 (b) of IPC the words uttered must cause annoyance to others but the First Information Report does not disclose any such annoyance. So far as offence under Section 506(ii) of IPC is concerned no where in the complaint it is stated that due to the words uttered by the petitioners they felt fear, therefore in order to wreck vengeance for the civil dispute this present complaint has been given and hence the First Information Report is liable to be quashed.

3. No counter was filed by the respondents.

4. The learned counsel for the petitioners would contend that these petitioners are no way connected with the above said crime. There is a civil dispute pending between the parties with regard to vacating the premises and thereby the present complaint has been lodged with false allegations. Even according to the First Information Report these petitioners were not present in the place of occurrence and no specific overt act has been attributed as against the petitioners and there are only vague averments stating that due to the instigation of these petitioners this occurrence said to have taken place. Since there are no any *prima facie* materials in the First Information Report and complaint the investigation officer wantonly got further statement



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by implicating these petitioners and the same is abuse of process of law. Even according to the further statement these petitioners only instigated the other accused to commit the offence. Apart from that there is no any materials as against these petitioners, therefore the pending First Information Report is liable to be quashed. To support his contention he relied on the judgment of the Hon'ble Apex Court in ***Salib Ali @ Shalu @ Salim .vs. State of U.P & Ors*** in Criminal Appeal No. 2344 of 2023 (Arising out of S.L.P(Criminal) No.3152 of 2023).

5. The learned counsel appearing for the second respondent would contend that the second respondent is the tenant and in order to vacate the tenant without following legal procedures they adopted this method and frequently they are making quarrel with the second respondent and on the date of occurrence at the instigation of these petitioners the other accused assaulted the defacto complainant and her mother, thereby she gave complaint before the first respondent and based on the complaint given by the second respondent the first respondent registered a case and there are *prima facie* materials available as against these petitioners, hence the petition is liable to be dismissed.



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6. The learned Additional Public Prosecutor appearing for the first respondent would contend that based on the complaint given by the second respondent the first respondent registered First Information Report and thereafter investigated has been stayed by this Court and thereby they are unable to investigate the case further. Further as per the preliminary investigation the defacto complainant sustained injuries and the offences are grave in a nature and thereby the matter requires detailed investigation and at this stage the petition is liable to be dismissed.

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

8. It is an admitted fact that there is a civil dispute pending between the parties with regard to vacating the premises. Based on the complaint given by the second respondent the first respondent registered a case in Crime No.30 of 2019 for the offences under Sections 147, 148, 294(b), 324, 506(ii) of IPC and Section 4 of TNPHW Act. According to the First Information Report there is no whisper about these petitioners and the allegations in the First Information Report is that on previous day of occurrence one Anjalai and Pachiammal scolded the petitioners and thereafter on 04.02.2019 at about 8.30 pm., the other accused namely Latha and Anbarasan involved in the occurrence



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and thereafter in the alteration report it is stated that these petitioners instigated the other accused to commit the offence. Apart from this no other allegation is made as against these petitioners. These petitioners are women and no any specific overt act has been attributed as against these petitioners and no ingredients are made out to constitute the offences under Sections 294(b) of 506(ii) of IPC. So far as section 324 of IPC is concerned there are specific allegations that one Latha and Inbarasan attacked the defacto complainant. Since there is a civil dispute pending between the parties the names of these petitioners have also been included without any materials and even according to the First Information Report there is no specific overt act attributed as against these petitioners and only mere allegations that these petitioners instigated the other accused to commit the offence is not sufficient to constitute the offence as alleged in the First Information Report.

9. The learned counsel appearing for the petitioner relied on the judgment of the Hon'ble Supreme Court in the case of ***Salib Ali @ Shalu @ Salim .vs. State of U.P & Ors in Criminal Appeal No. 2344 of 2023 (Arising out of S.L.P(Criminal) No.3152 of 2023,*** wherein it is held as follows:

“26. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking



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either the inherent powers under [Section 482](#) of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under [Article 226](#) of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under [Section 482](#) of the Cr P C or [Article 226](#) of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged”

10. On a careful reading of the above said judgment it is clear that whenever an accused comes before the Court invoking either the inherent powers under [Section 482](#) of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under [Article 226](#) of the



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Constitution to get the First Information Report quashed on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the First Information Report with care and a little more closely. In the case on hand also no materials available as against these petitioners and due to civil dispute these petitioners names also included, thereby the said case law is squarely application to the present facts of the case.

11. In view of the above discussions and considering the facts and circumstances of the case, this Criminal Original Petition stands allowed and the First Information Report in Crime No.30 of 2019 on the file of the first respondent is hereby quashed in so far as the petitioners are concerned . Consequently connected miscellaneous petition is closed.

15.09.2023

Index : Yes / No
Internet : Yes / No
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To

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1. The Inspector of Police
Chinnalapatti 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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