



Crl.O.P.(MD)No.14928 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2023

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.14928 of 2020

1.Kalaimani

2.Amutha

... Petitioners

Vs.

1.State rep by

The Inspector of Police,
H-8, Nagamalaipudukottai Police Station,
Madurai.
Cr.No.1279 of 2020

2.Pounlakshmi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned proceedings of the FIR in Crime No.1279 of 2020 dated 10.06.2020 on the file of the first respondent police and quash the same as against the petitioners herein.

For Petitioners : Mr.PR.Boomee Rajan

For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor



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For R2 : No Appearance

ORDER

This Criminal Original Petition has been filed to quash the impugned first information report in Cr.No.1279 of 2020 pending on the file of the first respondent police as against the petitioners herein.

2.According to the petitioners, based on the complaint given by the second respondent, the first respondent registered FIR in Cr.No.1279 of 2020 for the offence under Sections 294(b), 354(C), 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. The prosecution case is that on 23.02.2020 at about 05.00 pm., when the second respondent removed the tree branches in front of her house, the first petitioner herein took video in his mobile phone and the same was questioned by the second respondent. At that time, the first petitioner abused her in filthy language and the second petitioner, who is the mother of the first petitioner, also abused her in filthy language and both the petitioners criminally intimidated her. Hence, the second



respondent gave a complaint and based on the same, FIR has been registered. In fact, no such occurrence was taken place. Due to some wordy quarrel between the parties, the second respondent has given a false complaint. The first petitioner herein is a B.E. graduate and he is working as Assistant Professor in the Vellaichamy Nadar College, Madurai. The second petitioner is aged about 68 years. The second respondent's husband is working as Head Constable in the first respondent police station and by influencing her power, the impugned FIR has been registered. Already, civil dispute is pending between the parties before the District Revenue Officer. Without conducting proper enquiry, the first respondent registered FIR as against these petitioners. Therefore, pending FIR is liable to be quashed.

3.No counter was filed by the respondents.

4.The learned counsel appearing for the petitioners would contend that the petitioners are neighbors of the defacto complainant and there is civil dispute pending between the parties before the District Revenue Officer, Madurai. In order to take vengeance, the present false complaint



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has been lodged by the second respondent. Even according to the complaint and FIR, no specific overt act attributed as against the petitioners and the allegations are vague. Since the second respondent's husband is working in the police department, she influenced the first respondent and registered FIR and thereby, pending FIR is liable to be quashed.

5.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 FIR in Cr.No.1279 of 2020 for the offence under Sections 294(b), 354(C), 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and thereafter, investigated the case and final report is ready to file before the learned Magistrate. As per final report, there are prima facie materials available to proceed with the case and thereby, this petition is liable to be dismissed.

6.Heard both sides and perused the materials available in the records.



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7. On perusal of records reveals that based on the complaint given by the second respondent, the first respondent registered a case in Crime No.1279 of 2020 for the offence under Sections 294(b), 354(C), 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. According to the petitioners, no occurrence was happened, due to civil dispute pending between the parties, a false complaint has been lodged by the second respondent. According to the second respondent, while she cutting the trees, the above said occurrence was happened. The allegations levelled as against the petitioners are that they used obscene words and threatened. It is well settled that mere uttering of obscene words, would not constitute offence and it should be caused annoyance to somebody. But in this case, the allegation is not in specific and only vague allegations are levelled in FIR.

8. As far as offence under Section 506(i) IPC is concerned, there is no specific threat caused to the second respondent and the allegations are vague. According to the prosecution, the first petitioner took video in his mobile phone, while the second respondent was cutting the tree. But, no



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mobile phone was recovered. Further, in order to attract the provisions under Section 354(C) IPC, no specific allegations in the complaint and FIR. There is a delay in registering FIR. The date of occurrence is 23.02.2020 and the complaint was given only on 10.06.2020. The petitioners also produced the copy of the proceedings issued by the Thasildar and the same is revealed that there is civil dispute pending between the parties. Therefore, the available records shows that the complaint was lodged due to the enmity between the parties with regard to civil dispute, with vague allegations.

9.In view of the above discussions, this Court is of the view that the pending FIR in Cr.No.1279 of 2020 is pure abuse of process of law and the same is liable to be quashed. Accordingly, this criminal original petition is allowed and FIR in Cr.No.1279 of 2020 pending on the file of the first respondent is hereby quashed.

19.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Inspector of Police,
H-8, Nagamalaipudukottai Police Station,
Madurai.

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



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P. DHANABAL,J.

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