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Crl.O.P.(MD)No.19090 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.19090 of 2019
and Crl.M.P.(MD).Nos.11257 & 11261 of 2019

1.Pramakshi @ Saravanan

2.Mariyappan

... Petitioner/Accused Nos.2 & 3

Vs.

1.State represented by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
(Crime No.302 of 2018)

... 1st Respondent/Complainant

2.Murugan

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.259 of 2019, on the file of the learned Judicial Magistrate No.I, Tirunelveli, Tirunelveli District and quash the charge sheet as against the petitioners herein.

For Petitioners : Mr.A.Thiruvadi Kumar

For Respondents : Mr.R.Suresh Kumar for R1
Government Advocate (Crl. Side)

No Appearance for R2



ORDER

This criminal original petition has been filed to quash the proceedings against them in C.C.No.259 of 2019, on the file of the learned Judicial Magistrate No.I, Tirunelveli, Tirunelveli District.

2.The case of the prosecution in brief:

On 21.03.2018 at about 11.00 a.m., the defacto complainant asked the accused to return the documents, which was received by them and at that time, she was abused in filthy language and also criminally intimidated. On the basis of the complaint, case was registered and after completing the investigation process final report was filed making allegation against these petitioners that they abused defacto complainant in filthy language in public place and also made criminal intimidation. Seeking quashment of the summon, this petition has been filed by the accused Nos.2 and 3, on the ground that even as per the allegation that has been made in the final report, no *prima facie* ground is available or attracted to the ingredients of the offence under Section 294(B) and 506(II) IPC.

3.The petitioner would rely upon the judgment of this Court passed in the case of ***S.Selvakumar Vs .State of Tamilnadu*** reported in ***2015(2)***



MWN (Cr.) 195, to the effect that mere bald statement with regard to the words used by the accused person and above statement with regard to the alleged criminal intimidation are not sufficiently enough. Here also simple bald statement has been made in a vague manner to the effect that the accused criminally intimidated and abused them in filthy language.

4.The background facts are necessary for consideration. The second accused was a land broker, the complainant intends to sell his property after making a repair through the second accused. All the accused persons attended his office on particular day and obtained his documents stating that legal opinion must be obtained. When he demanded back the documents, they were delaying. On 21.03.2018, he entered into wordy quarrel with the accused stating that they want the document to be returned, since their activities are not genuine and doubtful. At that time, the above said criminal intimidation has been made. So it clearly shows that some sort of wordy altercation has been took place between them and this wordy altercation has been given exaggeration, as if he was abused in filthy language and also criminally intimidated. Absolutely, there was no circumstances available to criminally intimidate the defacto complainant. Only trivial petty issue has been given exaggeration. So continuation of the prosecution may amount



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to abuse of process of the Court. In view of the above observation, this

Court is inclined to quash the impugned proceedings pending against the petitioners herein.

5. Accordingly, this Criminal Original Petition is **allowed**. The proceedings against the petitioners / accused Nos.2 and 3 herein, in C.C.No.259 of 2019, on the file of the learned Judicial Magistrate No.I, Tirunelveli, Tirunelveli District, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

01.02.2023

Index : Yes/No

Internet : Yes/No

TM

To

1. The Judicial Magistrate No.I, Tirunelveli, Tirunelveli District

2. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.

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



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G.ILANGOVAN. J.

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