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CrI.OP.No.5931 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.5931 of 2024

1. C.Senthil Nathan
2. R.Divya
3. T.M.Elavarasi

... Petitioners

Vs.

1. State Represented by
Inspector of Police,
B4-High Court Police Station,
Chennai-600 104.

2. K.Mahendran

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Cr.No.18 of 2022 on the file of Inspector of Police, B4 High Court Police Station, Flower Bazar District and to quash the same.

For Petitioners : Mr.Dr.G.Krishnamurthy

For Respondents : Mr. S. Udaya Kumar,
Government Advocate (CrI.Side)
for R1
: Mr.R.Ravindran for R2

ORDER



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WEB COPY This Criminal Original Petition is filed to quash the Cr.No.18 of 2022 on the ground of laches and limitation has to be allowed, since the alleged incident which took place on 05.03.2021 been registered for investigation by the police on the direction of the learned Judicial Magistrate' under 156(3) of Cr.P.C on 20.12.2022. Even after lapse of one year, there was no progress in the investigation. Therefore, the petitioner has come to this Court to quash the Cr.No.18 of 2022.

2. The learned Government Advocate (Crl.Side) submits that there is a family dispute. When the parties appeared before the Mediator, the third accused, the mother-in-law of the defacto complainant had slapped him with slipper leading to registration of complaint under Section 294(b), 323 and 506(i) of IPC.

3. The learned counsel appearing for the petitioner submits that all these offences are punishable less than one year. Therefore, the offence ought not to have taken cognizance within one year as per Section 468 of Cr.P.C.

4. On perusal of the record, this Court finds that when the parties appeared before Mediator, there was an altercation between them and the Advocate appeared on behalf of the petitioner also been accused for



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intimidating the defacto complainant. Hence, the offence under Section 506(i) also been invoked. As far as the sentence for the alleged offence, Court finds that for the offence under Section 294(b) of IPC, the period of sentence upto three months or with fine or with both, for the offence under Section 323 of IPC, the punishment may extent to one year or with fine which may extend Rs.1000/- or with both. As far as offence under Section 506(i) of IPC, it is punishable with imprisonment of either description for a term which may extend to two years or with fine or with both.

5. The learned counsel appearing for the defacto complainant submits that the incident had happened, when the parties present in the Court and attending mediation. The act of the accused persons undermines the judicial process and amounts to intimidating the defacto complainant from participating the judicial proceedings. Therefore, the offence under Section 506(i) of IPC clearly made out which is punishable for a period up to two years. Therefore, point of limitation cannot be canvassed in this case.

6. This Court after perusing the complaint and the law governing limitation agree with the counsel for the defacto complainant to the extend that when offence of criminal intimidation is made out period of



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limitation to take cognizance extends to three years period. However, on a holistic view of the case and taking note of the fact that now the matrimonial dispute for divorce instituted by the second petitioner has reached the advanced stage of examination of the respondent's side witnesses. After this incident, the case has been proceeding and has reached the fag end.

7. Keeping criminal complaints pending in a matrimonial dispute will always have deterrent effect in resolving the dispute. Therefore to facilitate the parties to have peaceful settlement of their dispute, the criminal case has to be quashed for the reason that not only the police is unable to complete the investigation and file final report within a reasonable time but also the element of intimidation does not find place in the FIR and statement of witnesses so far recorded. For the said reasons, Cr.No.18 of 2022 stands quashed. Hence, this Criminal Original Petition is allowed.

15.07.2024

Vv

To



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1. The Inspector of Police,
B4-High Court Police Station,
Chennai-600 104

2. The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.



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Vv

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