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Crl.O.P.No.8832 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8832 of 2024

and

Crl.M.P.No.6320 of 2024

Ajith Abraham George

... Petitioner

Vs.

1.The State of Tamilnadu rep.by
The Inspector of Police,
Podhanur Police Station,
Coimbatore.

2.Guruprasath

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the entire records in S.T.C.No.70 of 2024 on the file of the learned District Munsif cum Judicial Magistrate, Madukkarai and quash the same as against the petitioner/accused No.1.

For Petitioner : M/s.Subhang P.Nair

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

For R2 : No appearance



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ORDER

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2. The sum and substance of the complaint runs as below:-

The defacto complainant and his disabled wife are the resident of Royal Sheraton Apartment, Nanjundapuram Road, Coimbatore. They have adopted a therapy pet dog, which was assisted the disabled wife of the complainant. The Flat Owners Association has prohibited rearing pet dogs in the residential apartment and requested the defacto complainant and his wife to vacate the apartment. This has led to the registration of the complaint under the provision of Rights of Persons with Disabilities Act.

3. The learned counsel appearing for the petitioner, who is the 1st accused a resident of Royal Sheraton Apartment, submitted that the respondent police has erroneously prosecuted him though he is not a member of the Executive Committee of the Flat Owners Association.



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Furthermore, he would also submitted that when the majority members of the association had taken a concious decision to prohibit rearing pets in the residential apartment, one individual who came as a tenant in that apartment can not act against the majority members of the association. Lastly, the learned counsel also submits that the defacto complainant after lodging the complaint had vacated the premises and therefore, there cannot be any cause of action for prosecuting the petitioner under the provision of Rights of Persons with Disabilities Act.

4. On considering the grounds raised in the quash petition, this Court caused notice to the defacto complainant. The said notice was served on the respondent, but he has not chosen to participate in the proceedings either in person or through counsel.

5. The learned Government Advocate (CrI.Side) appearing for the respondent police has confirmed that the defacto complainant had vacated the apartment long back. He also submits that on completion of investigation, the respondent police has altered the charges and filed final report only for offence under Section 506(i) IPC and not under the provision of Rights of Persons with Disabilities Act, 2016.



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6. On perusal of the complaint and the statement of witnesses recorded in the course of the investigation, this Court finds that there is no element of criminal intimidation to attract offence under Section 506(i) IPC. A formal conveyance of the decision of the majority members of the association cannot be termed as criminal intimidation and as far as this case is concerned, the grievance of the defacto complainant was primarily about the restriction on keeping a pet dog in the residential apartment. The defacto complainant having vacated the apartment, the entire issue has reached the finality, hence quietus to be given to the domestic aggression among the co residents. Therefore this Court quash the complaint by exercising the power under Section 482 of Cr.P.C.

7. With this observations, this Criminal Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petition is closed.

04.06.2024

Index : Yes/No

Neutral Citation : Yes/No



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rpl

To

1.The District Munsif cum Judicial Magistrate, Madukkarai

2.The Inspector of Police,
Podhanur Police Station,
Coimbatore.

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



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Dr.G.JAYACHANDRAN,J.

rpl

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