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CrI.O.P. No.16124 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2024

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P. No.16124 of 2023 & CrI.M.P. Nos.10148 and 10149 of 2023

Usha

Petitioner

v

1 State represented by
The Inspector of Police
E-2, Royapettah Police Station
Mylapore
Chennai
(Cr. No.563/2012)

2 Mohamed Baig

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records in C.C. No.193 of 2018 on the file of the Metropolitan Magistrate Court No.XVIII, Saidapet, Chennai and quash the same.

For petitioner	Mr. M. Mohamed Riyaz
For R1	Mr. A. Gopinath Govt. Advocate (CrI. Side)
For R2	Mr. A. Saravanan

ORDER

This criminal original petition has been preferred by A.3 seeking to quash the proceedings pending in C.C. No.193 of 2018 on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai.



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2 Heard Mr. M. Mohamed Riyaz, learned counsel for the petitioner/A.3, Mr. A. Gopinath, learned Government Advocate (Crl. Side) for the first respondent/State and Mr. A. Saravanan, learned counsel for the second respondent/de facto complainant.

3 The case of the prosecution is that the second respondent/*de facto* complainant got acquaintance with A.1 and he introduced A.2 who was dealing with old cars. A sum of Rs. 3 lakhs was received from the *de facto* complainant on the assurance of getting a Toyota Innova car. However, A.1 and A.2 are said to have given only a Maruti Ritz car to the *de facto* complainant. Thereafter, the said car was also seized by the police in the course of investigation in some other case. At that point of time, it came to light that the *de facto* complainant was cheated. The *de facto* complainant was repeatedly requesting A.1 and A.2 to repay him the sum of Rs.3 lakhs that was collected from him. Since it was not repaid to him, the mother of A.2, who is A.3/petitioner herein, assured the *de facto* complainant that the money will be repaid in instalments. The *de facto* complainant was following up with the petitioner and the petitioner started threatening the *de facto* complainant stating that she will close the complaint by using her influence with the higher officials. Based on the complaint given by the second



respondent, an FIR came to be registered in Cr.No.563 of 2012 and on completion of investigation, a final report came to be filed before the Court below, which was taken on file in C.C. No.193 of 2018. The Court below has taken cognizance for offences under Sections 420 and 506(II) IPC read with Section 34 IPC.

4 The only allegation that has been made against the petitioner/A.3 is that she assured repayment of the amount to the *de facto* complainant and subsequently, she threatened the *de facto* complainant. Hence, the Court below went through the statement that was recorded from the *de facto* complainant.

5 Even if the allegations that have been made in the statement are taken as they are, no offence has been made out under Section 506(II) IPC against the petitioner. It is now a settled law that empty threats, by themselves, do not make out an offence of criminal intimidation, unless there is evidence to show that the threats are real ones.

6 In the instant case, except the *ipse dixit* of the *de facto* complainant, there is absolutely no material to substantiate the offence of criminal intimidation. Useful reference could be made to the judgment of the



Apex Court in **Vikram Johar v The State of Uttar Pradesh and Others¹** in this regard.

7 In the light of the above discussion, this Court is of the clear view that continuation of the criminal proceedings as against the petitioner/A.3 will result in abuse of process of law, which requires the interference of this Court in exercise of its jurisdiction under Section 482 Cr.P.C.

8 Accordingly, the proceedings in C.C. No.193 of 2018 on the file of the Metropolitan Magistrate Court No.XVIII, Saidapet, Chennai, is quashed insofar as the petitioner/A.3 is concerned.

In the result, this criminal original petition is allowed and there shall be a direction to the Court below to proceed with the case as against A.1 and A.2 and complete the proceedings within a period of four months from the date of receipt of a copy of this order. Connected CrI.M.Ps. stand closed.

23.01.2024

cad

N. ANAND VENKATESH, J.

cad



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To
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- 1 The Inspector of Police
E-2, Royapettah Police Station
Mylapore
Chennai
(Cr. No.563/2012)
- 2 The Metropolitan Magistrate No.XVIII
Saidapet
Chennai
- 3 The Public Prosecutor
Madras High Court
Chennai 600 104

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