



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 26942 of 2022

& CrI.MP. No. 16545 & 16546 of 2022

Balajeevagan @ Bala

...Petitioner

Vs.

1. The State by Sub-Inspector of Police,
Thavalakuppam Police Station,
Puducherry.

2.Balachandar

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call

for the records on the file of the judicial Magistrate, Puducherry, in S.T.C

No. 1334 of 2020, quash the proceedings therein.

For Petitioner : Mr.V.Sairam

For R1 : Mr.V.Ramachandramoorthy
Additional Public Prosecutor,
Puduchery

For R2: Notice served

ORDER

The petitioners herein filed this petition to call for the records on the



file of the judicial Magistrate, Puducherry, in S.T.C No. 1334 of 2020, quash the proceedings therein.

2. The defacto complainant lodged a complaint before the respondent police stated that on 03.08.2016, the petitioner called him over phone and introduced himself as HDFC bank employee stated that his brother defaulted in payment of loan installment and demanded him to pay the same, when he abused and threatened the defacto complainant. Based on the said complaint the respondent police filed a FIR in crime No. 63 of 2019 under Section 507 IPC. After investigation the respondent police filed a final report and the same was taken cognizance in S.T.C No. 1334 of 2020 on the file of the Judicial Magistrate No.I, Puducherry.

3. Heard both sides.

4. On perusal of the records, the allegation against the petitioner is that he contacted the defacto complainant over phone and introduced himself as Balajeevan manager of the HDFC Bank and demanded him to pay the installment which was not paid by his brother, at that time the petitioner abused the defacto complainant with unparliamentary words. Admittedly, the defacto complainant's brother borrowed a loan from the HDFC Bank wherein the petitioner is an employee as a collection manager,



for the non payment of installment he called the defacto complainant and introduced him as Balajeevagan HDFC manager and demanded him to pay the installment which would not amount to criminal intimidation by anonymous person but the respondent filed a final report under Section 507 IPC. Section 507 IPC read as follows:

507. Criminal intimidation by an anonymous communication:

Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence by the last preceding section.

5. As discussed above, the petitioner is not send anonymous communication but he demanded the repayment of loan. Therefore, there is no basic material to attract Section 507 IPC. Hence, S.T.C No. 1334 of 2020, pending on the file of the Judicial Magistrate No.1, Puducherry, is hereby quashed.

6. In the result, this petition is allowed. No Costs. Consequentially, connected miscellaneous petition is closed.

01.03.2024

pbl

T.V.THAMILSELVI, J.

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To
1. The Public Prosecutor,
High Court, Madras.
2. The Judicial Magistrate No.1, Puducherry.

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