



Crl.O.P(MD).No.13611 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.13611 of 2021 and
Crl.M.P(MD).Nos.7090 and 7091 of 2021

1.Karuppanan
2.Chinammal
3.Rajasekaran
4.Ranjani
5.Krishnan
6.Chellammal
7.Masanam

... Petitioners

Vs.

1. The Inspector of Police,
All Women Police Station,
Manamadurai Police Station,
Sivagangai District.
(Crime No.1 of 2017)

2.Parameswari

... Respondents

PRAYER:- Petition filed under Section 482 Cr.P.C., to quash the charge sheet in S.C.No.61 of 2021 on the file of the Principal District Judge, Sivagangai as against the petitioners herein.

For Petitioners : Mr.G. Karuppasamay Pandian

For Respondent No.1 : Mr.R.M.Anbunithi

Additional Public Prosecutor



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For 2nd respondent : No appearance

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in S.C.No.61 of 2021 on the file of the Principal District Judge, Sivagangai as against the petitioners herein.

2. The case of the prosecution is that on promising to marry the defacto complainant, A1 had sexual intercourse with her several times. Subsequently, refused to marry her. When the same was questioned by the defacto complainant, the petitioners herein, who are the family members of A1 criminally intimidated her and also threatened her with dire consequences. Hence, a case has been registered in Crime No.1 of 2017 on the file of the first respondent police and subsequently, charge sheeted in S.C.No.61 of 2021 on the file of the Principal District and Sessions Judge, Sivagangai for the offences under Sections 417, 376, 109 and 506(i) IPC as against the petitioners herein. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioners submitted that



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the petitioners herein are only family members of A1 and in the 164 statement of the de facto complainant, there is no specific allegations made against the petitioners and hence the offence under and 506(i) IPC would not be attracted as against the petitioners and prays for allowing this petition.

4. The learned Additional Public Prosecutor appearing for the first respondent would submit that there are materials to connect the accused / petitioners to proceed with the trial. At the initial stage of trial, the entire proceedings cannot be quashed on its threshold and he sought for dismissal of the quash petition.

6. Heard the learned the learned counsel appearing on either side and perused the materials available on record.

7. On perusal of the records it is seen that the offence under Section 506 (i) IPC is not attracted since no materials are available to show that the accused criminally intimidated the defacto complainant. As pointed by the learned counsel for the petitioners, the threat should be a real one and not just a mere word when the petitioners uttering does not



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exactly mean what he says and also when the person to whom threat is launched does not feel threatened actually. Therefore, the offence under Section 506(i) IPC is not made out as against the petitioners herein and also the entire criminal proceedings is clear an abuse of process of Court. Therefore, this Court is inclined to quash the entire proceedings as against the petitioners herein.

8. Accordingly, this Criminal Original Petition is allowed and the entire criminal proceedings in S.C.No.61 of 2021 on the file of the Principal District Judge, Sivagangai is hereby quashed as against the petitioners herein. Consequently, the connected Miscellaneous Petitions are closed.

11.06.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp



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To

WEB COPY

1. The Inspector of Police,
All Women Police Station,
Manamadurai Police Station,
Sivagangai District.
2. The Principal District Judge, Sivagangai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.A.NAKKIRAN, J.

Trp

**Crl.O.P(MD).No.13611 of 2021 and
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