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Crl.O.P.(MD) No.16133 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.16133 of 2021

and

Crl.M.P.(MD) No.8668 of 2021

A.Kisan Antonydoss

... Petitioner

Vs.

1.The State rep. by
Inspector of Police,
B.H.E.L. Police Station,
Trichy District.
(Crime No.107 of 2015)

2.O.Vasikaran

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records in C.C.No.244 of 2018 on the file of the Judicial Magistrate Court No.VI, Trichy and to quash the same so far as the petitioner is concerned.

For Petitioner : Mr.S.C.Herold Singh

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

For R2 : No appearance



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ORDER

Seeking to quash the final report in C.C.No.244 of 2018 on the file of the Judicial Magistrate Court No.VI, Trichy, the present Criminal Original Petition is filed.

2. Though notice was served on the second respondent (*de facto* complainant), he did not appear either in person or through his counsel. His name is also printed in the cause list.

3. The case of the prosecution is that the petitioner's father Antony Doss (A1) borrowed a sum of Rs.7,00,000/- from the second respondent (*de facto* complainant) and when the second respondent (*de facto* complainant) demanded Antony Doss (A1) to re-pay the said amount, Antony Doss (A1) with his wife (A2) and son (A4) and one Sethuraman (A3) threatened him with dire consequences and also abused him in filthy language. Based on the complaint given by the second respondent (*de facto* complainant), an F.I.R. in Crime No.107 of 2015 was registered by the Inspector of Police, B.H.E.L. Police Station against the accused for the offences punishable under Sections 294(b), 406, 420 & 506(i) of IPC.



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4. Mr.C.Herold Singh, learned counsel for the petitioner (A4) would contend that there is no specific overt act as against the present petitioner (A4) and that this is a simple case of money transaction between the petitioner's father (A1) and the second respondent (*de facto* complainant), for which, the second respondent (*de facto* complainant) filed a private complaint under Section 200 of Cr.P.C. for an offence punishable under Section 138 of Negotiable Instruments Act and the same was dismissed on 20.10.2017. He therefore prayed for quashing the final report.

5. Per contra, Mr.M.Sakthi Kumar, learned Government Advocate (Crl. Side) appearing for the first respondent police, on instructions, would contend that the Inspector of B.H.E.L. Police Station after conducting proper investigation had laid a final report and there are no good grounds to quash the same.

6. A perusal of the final report shows that the petitioner's father (A1) borrowed a sum of Rs.7,00,000/- from the second respondent (*de*



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facto complainant) and when the second respondent (*de facto* complainant)

requested the petitioner's father (A1) to re-pay the said amount to him, all the accused abused him in filthy language and also threatened him with dire consequences. It is pertinent to note that in the F.I.R., the *de facto* complainant had not stated so and only in the statement recorded under Section 161(3) of Cr.P.C., these allegations are made. Moreover, a perusal of the entire complaint given by the second respondent (*de facto* complainant) shows that the dispute between the petitioner's father (A1) and the second respondent (*de facto* complainant) pertains to a money transaction and the present petitioner (son of Antony Doss (A1)) is in no way connected with that and it appears that he has been unnecessarily implicated in the present case. It is not also the contention of the second respondent (*de facto* complainant) that he was put under imminent danger on account of the threat made by the present petitioner (A1). In fact, there is no overt act as against the present petitioner (A4) to attract the provisions of Section 506(i) of IPC. In the circumstances, the final report in C.C.No.244 of 2018 is quashed as far as the present petitioner (A4) is concerned.



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WEB COPY 7. Accordingly, the present Criminal Original Petition is allowed.

Consequently, connected Miscellaneous Petition is closed.

16.02.2024

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

JEN

To

- 1.The Judicial Magistrate No.VI,
Trichy, Trichy District.
- 2.The Inspector of Police,
B.H.E.L. Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA, J.

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