



Crl.O.P.(MD)No.20595 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.20595 of 2021 &
Crl.M.P.(MD)No.11722 of 2021

1.R.Seenivasan
2.S.Prakash

... Petitioners

vs.

1.The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
(Crime No.197 of 2017)

2.P.Santhanakrishnan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records in C.C.No.83 of 2021 on the file of the Judicial Magistrate, Theni and quash the same as against the petitioners.

For Petitioners

:Mr.C.Jeganathan

For Respondents

:Mr.K.Sakthi Kumar
Government Advocate (Criminal Side)
for R1
Mr.V.Pavel for R2



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ORDER

Seeking to quash the final report in C.C.No.83 of 2021 on the file of the Judicial Magistrate, Theni, the present Petition is filed by the accused 1 and 2.

2. The case of the prosecution in a nutshell is as follows.

2.1. The defacto complainant owns a house in Vinayaka Nagar, Koduvilarpatti Village. On the eastern side of his house, there is a vacant site and on the further east, the first accused owns a house. The first accused wanted to purchase the vacant site from the defacto complainant. Since it was not accepted by the defacto complainant, the first accused had a strong feeling of anger and dislike towards the defacto complainant, on account of which, on 15.03.2017, the first accused damaged the pipeline which passes through the land of the defacto complainant. When it was confronted by the defacto complainant, both the accused 1 and 2 abused him in filthy language and also threatened him with dire consequences. Based on the complaint given by the defacto complainant, the Sub Inspector of Police, Palanichetty patti Police Station registered



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FIR in Crime No.197/2017 against the accused 1 and 2 for the offences punishable under sections 294(b) and 506(ii) IPC. The Sub Inspector of Police after concluding investigation, laid a final report in C.C.No.83 of 2021 against the accused 1 and 2 for the aforesaid offences.

3. Mr.C.Jeganathan, learned counsel appearing for the petitioner would contend that the second accused Prakash, who is the son of the first accused lodged a complaint against the present defacto complainant (second respondent) with the very same police station stating that on 14.03.2017, the present defacto complainant damaged the sewerage pipeline in his house and when it was attempted to be prevented by the mother of the second accused, the former trespassed into his house and abused his mother in filthy language and also assaulted her, as a result of which, she sustained injuries. His further contention is that the injured was immediately rushed to Government Medical College Hospital, Theni where she was admitted as an inpatient till 15.03.2017. However, the present complaint states that the occurrence took place on 15.03.2017, which is highly improbable. His next contention is that only



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to counter the complaint lodged by the second accused in Crime No. 194/2017 of Palanichettypatti Police Station, the present defacto complainant had lodged a false complaint on 16.03.2017. He therefore, prayed for quashing the final report in C.C.No.83 of 2021.

4. Per contra, Mr.M.Sakthi Kumar, learned Government Advocate (Criminal Side) appearing for the first respondent and Mr.V.Pavel, learned counsel appearing for the second respondent would contend that the Police after conducting proper investigation had laid a final report and there are no valid grounds to quash the same.

5. It is seen from the FIR in Crime No.194/2017 of Palanichettypatti Police Station lodged by the second accused, who is the son of the first accused, that the present defacto complainant was charged for the offences punishable under Sections 294(b), 427, 354, 323 and 506(i) IPC. The occurrence took place on 14.03.2017 and the wife of the first accused was also hospitalized for two days. The dispute between the parties is with regard to a vacant land situate on the eastern side of the



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accused house. It is also brought to the knowledge of this Court that the final report filed in Crime No.194/2017 ended in acquittal. As far as the present case is concerned, the offences alleged against the present petitioners are under sections 294(b) and 506(ii) IPC. It is pertinent to point out that the defacto complainant had not stated that he was put under imminent danger on account of the threat made by the present petitioners. It is settled law that empty threats without having an intention to cause bodily injury would not attract the provisions of Section 506 IPC. As far as the offence punishable under Section 294(b) is concerned, the contention of the prosecution is that both the accused abused the defacto complainant in filthy language in a public place. The defacto complainant had not specifically stated in his complaint as to who abused him in filthy language. The final report also does not speak about the same and in the facts and circumstances, the final report is liable to be quashed.

6. In the result, the final report in C.C.No.83 of 2021 on the file of the Judicial Magistrate, Theni is quashed. The Criminal Original



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Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.

06.03.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
mbi

To

- 1.The Judicial Magistrate, Theni
- 2.The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.HEMALATHA, J.

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