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Crl.OP.No.6680 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.6680 of 2025
and Crl.MP.No.4252 of 2025

1.P.Haribabu
2.P.Kamalakannan .. Petitioners

Vs.

1. The State Represented by
Inspector of Police,
Arakkonam Town Police Station,
Ranipet District.

2.N.Senthil Kumar ... Respondents

(R2 impleaded vide order dated 18.03.2025
in Crl.M.P.No.5314 of 2025 in
Crl.O.P.No.6680 of 2025)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS to call for the records in Crime No.669 of 2024 dated 31.12.2024 on the file of the respondent police and quash the same.

For Petitioners : Mr.P.Sridhar

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1
: Mr.P.Krishnan for R2



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ORDER

This petition has been filed to quash the FIR registered in Cr.No.669of 2024 on the file of the first respondent.

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

3. On the complaint lodged by the second respondent, the first respondent registered the FIR in Cr.No.669 of 2024 for the offences punishable under Section 296(b), 126, 115 and 351(3) of BNS for the allegations that on 14.12.2024 when the second respondent's son proceeding to his home, the accused persons abused him with filthy language and assaulted him with hands and also criminally intimidated him.

4. A perusal of records revealed that on 14.12.2024 when the first petitioner was proceeding to his daughter's tuition centre on his two wheeler, the second respondent's son and another person waylaid

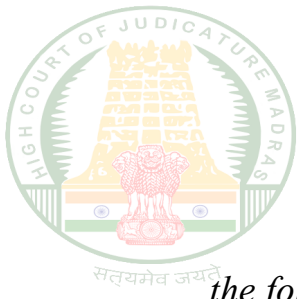


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the first petitioner, threatened him at knife point and also attacked him, causing injuries. He was immediately taken to the Government Hospital, Arakkonam, where he received treatment as an inpatient. Following the incident, a complaint was lodged and the first petitioner was issued CSR No.1781 of 2024 on the same day. Subsequently, an FIR was registered in Cr.No.629 of 2024 against the second respondent's son on 21.12.2024. Therefore, the present complaint is nothing, but a counter blast to the earlier complaint and the FIR in Cr.No.669of 2024 was registered against the petitioners only on 31.12.2024 i.e., after the period of 11 days from the date of alleged occurrence. There is absolutely no explanation for the delay in lodging the complaint especially when as per the complaint itself, the petitioners allegedly threatened the second respondent with dire consequences.

5. In this regard, It is relevant to extract the judgement reported in *(1992) SCC Crl. 426* in the case of *Bajanlal v. State of Haryana*, wherein *the Hon'ble Supreme Court of India has listed out*



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the following category of case in which the criminal proceedings can be quashed using the inherent jurisdiction of the High Court under Section 482 Cr.P.C.:

"102.....

.....

7. Where a criminal proceeding is manifestly attended with malafide and/or where the proceedings is maliciously instituted with an ulterior motive for wrecking vengeance on the accused and with a view to spite him due to private and personal grudge."

Therefore, the impugned complaint is nothing but clear abuse of process of law and it cannot be sustained as against the petitioner and is liable to be quashed.

6. Accordingly, the FIR registered in Crime No.669 of 2024 on the file of the first respondent police is hereby quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

22.04.2025

Vv

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To
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1. The Inspector of Police,
Arakkonam Town Police Station,
Ranipet District.
2. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

Vv

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