



Crl.O.P.No.10187 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM

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

Crl.O.P.No.10187 of 2025

and

Crl.M.P.No.6768 of 2025

1. M.Elayarasan
2. Mappukhan
3. Rathinam @ Manirathinam
4. Periyasami
5. Tamilmani
6. Selvakumar
7. Mayakannan

... Petitioners

Vs

1. The State Rep. by the Sub Inspector of Police,  
Thalaivasal Police Station,  
Salem District.

2. Sekar

... Respondents

Criminal Original Petition is filed under Section 528 of B.N.N.S.,  
to call for the records in connection with the Crime No.320 of 2013 on the  
file of the first respondent and quash all further criminal proceedings.



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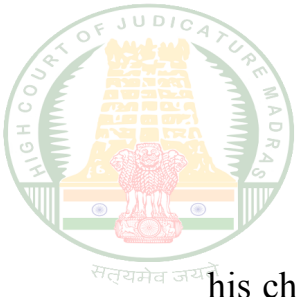
Crl.O.P.No.10187 of 2025

For Petitioners : Mr.E.Kannadasan  
For Respondents : Mr.R.Vinothraja,  
Government Advocate (Crl.Side) for R1

## ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.320 of 2013 on the file of the first respondent.

2. The case of the prosecution is that the second respondent is living with his family and he is working as an LIC Agent. On 26.06.2013, at about 9.00 a.m., there was a Kumbhabishekam festival in Muthukannu Mariamman Temple in the village. At about 5.00 p.m., A-3 and his other friends were dancing to a song on the stage presided over for the festival, and all of a sudden, a wordy altercation arose, and manhandling happened between A-3 and the music party people. The de-facto complainant, along with his child, has went to the place and has asked them about fighting over silly reasons, and later he left for home. On the next day, i.e., 27.06.2013, at about 7.00 a.m., while the de-facto complainant was returning home after buying milk with his child, A-1 attacked him on his back and also attacked



CrI.O.P.No.10187 of 2025

WEB COPY

his child and asked about not allowing his brother, i.e., A-3, to dance on the stage. Thereafter, he went home along with his child in a two-wheeler.

2.1. Later, when the de-facto complainant's brother went and enquired about the incident, A-1 attacked his brother with a spade on the right side of his cheek, and A-2 attacked him with a wooden log on the right side of his forehead. Thereafter, A-2 attacked the de-facto complainant with a wooden stick, and A-3 pelted stones and A-4 also pelted stones at the backside of his neck. Further, all the petitioners/accused chased them to their house and pelted stones on them and the petitioners/accused stood in front of their house and abused them with filthy language and also attacked the de-facto complainant's mother with stones and threatened them with dire consequences. Hence, the complaint.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.320 of 2013 for the offences under



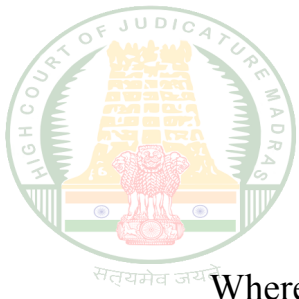
CrI.O.P.No.10187 of 2025

WEB COPY

Sections 147, 148, 294(b), 323, 324, 427 and 506(ii) of IPC, as against the petitioners. Hence, he prayed to quash the same.

4. On a perusal of the records, it reveals that the First Information Report is still pending from the year 2013 for investigation on the file of the first respondent. Except for the offence under Section 506(ii) of IPC, other offences are punishable with a maximum punishment of three years. Further, on a perusal of the First Information Report, it reveals that the offence under Section 506(ii) of IPC, there are no averments to constitute the said offence. That apart, the First Information Report is pending from the year 2013 without any progress. Therefore, even if the first respondent completes the investigation and files a final report, it cannot be taken cognizance since it is barred by limitation under Section 468 of Cr.P.C.

5. Insofar as the offence under Section 506(ii) of I.P.C is concerned, threat should be real one and not just a mere words when the person uttering does not exactly mean what he says and also when the person to whom threat is launched does not feel threatened actually.



Crl.O.P.No.10187 of 2025

WEB COPY

Whereas, in the case on hand, there is no averment to attract the offence under Section 506(ii) of I.P.C.

6. This Court feels that there is no need to issue notice to the second respondent, since the First Information Report is pending from the year 2013 without any progress. The second respondent also did not take any steps to complete the investigation and file a final report.

7. In view of the above, in order to meet the ends of justice, the impugned First Information Report cannot be sustained and it is liable to be quashed. Accordingly, the First Information Report in Crime No.320 of 2013 on the file of the first respondent, is hereby quashed.

8. In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

03.04.2025

Index:Yes/No  
Neutral Citation/Yes/No  
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5/7



Crl.O.P.No.10187 of 2025

WEB COPY

- To
1. The Sub Inspector of Police,  
Thalaivasal Police Station,  
Salem District.
  2. The Public Prosecutor,  
High Court, Madras.



WEB COPY



CrI.O.P.No.10187 of 2025

**G.K.ILANTHIRAIYAN, J.**

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CrI.O.P.No.10187 of 2025

03.04.2025