



WEB COPY



Crl.O.P.No.16178 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.16178 of 2023

and

Crl.M.P.No.10184 of 2023

1. R.Tamilselvi

2. S.Rajasekar

... Petitioners

Vs

State by

1. The Inspector of Police,
Tiruchengodu Rural Police Station,
Tiruchengodu, Namakkal District.
(Cr.No.196 of 2023)

2. A.C.Venkatachalam

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records concerned in Cr.No.196 of 2023 on the file of Inspector of Police, Tiruchengodu Rural Police Station, Tiruchengodu, Namakkal District and quash the same.

For Petitioners : Mr.C.Prakasam

For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl. Side) (for R1)

No appearance (for R2)



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ORDER

This petition has been filed to quash the First Information Report in Crime No.196 of 2023 on the file of the first respondent.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record. Though notice has been served, the second respondent has not entered appearance, either in person or through counsel.

3. The case of the prosecution is that on the complaint lodged by the second respondent, the first respondent registered the First Information Report in Crime No. 196 of 2023 for the offences punishable under Sections 420 and 506(ii) of IPC, alleging that the petitioners, the second respondent's daughter and her husband, borrowed a sum of Rs. 23,00,000/- and also received 160 sovereigns and failed to repay the cash and also refused to return the jewels. Hence, the complaint.



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4. On a perusal of the records, it reveals that on the complaint lodged by the second respondent, a detailed enquiry was conducted by the Police Station and the same was closed. Thereafter, the second respondent approached the learned Judicial Magistrate, Trichengode, seeking direction under Section 156(3) of Cr.P.C. Subsequently, pursuant to the direction issued by the learned Judicial Magistrate in C.M.P. No. 1977 of 2023, order dated 12.06.2023, the first respondent registered the First Information Report.

5. On a perusal of the direction issued by the learned Magistrate, it is very clear that the first respondent was directed to conduct an enquiry and file a report in the guidelines issued by the judgment of the Hon'ble Supreme Court of India in the ***Lalitha Kumari case***. However, the first respondent, without conducting any enquiry, mechanically registered the First Information Report. Even assuming that the allegations are true, the petitioners only borrowed the loan and received jewels. It is only a loan transaction, and as such, the offence under Section 420 of IPC is not at all attracted.



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6. Insofar as the offence under Section 506(ii) of IPC is concerned, the threat should be a real one and not just mere words when the person uttering does not exactly mean what he says and also when the person to whom the threat is launched does not feel threatened actually. Whereas, in the case on hand, there is no averment to attract the offence under Section 506(ii) of IPC. That apart, the victim did not file any complaint; the father of the victim lodged a complaint. In view of the above, no offence is there to attract any offence as against the petitioners, and the impugned First Information Report cannot be sustained and it is liable to be quashed.

7. In view of the above discussion, the Criminal Original Petition is allowed and the First Information Report in Crime No. 196 of 2023 on the file of the first respondent is hereby quashed. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No
Neutral Citation/Yes/No
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To

1. The Inspector of Police,
Tiruchengodu Rural Police Station,
Tiruchengodu, Namakkal District.
2. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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