

WEB COPY



Crl.OP.No.16525 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.042025

CORAM:

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

Crl.O.P.No.16525 of 2023

and

Crl.MP.No.10571 of 2023

1. Chandra Balan
2. C.Kalpana
3. C.Pradeepa
4. C.Abirami

... Petitioners

Vs.

1. The State Represented by
Inspector of Police,
Kattur Police Station,
Coimbatore City.

2. M.Mahalakshmi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in FIR No.189 of 2023 on the file of Thalaivasal Police Station, Salem and quash the same.

For Petitioners : Mr.K.Balasubramaniam

For Respondents : Mr.R.VinothRaja
Government Advocate (Crl.Side)
for R1
: No appearance for R2



WEB COPY



Crl.OP.No.16525 of 2023

ORDER

This petition has been filed to quash the FIR registered in Cr.No.189 of 2023 on the file of the first respondent.

2. The case of the prosecution is that the second respondent had purchased a subject property in the year 2020 from one Manickam. From 06.06.2023 when the second respondent was out of station and when she has returned to home on 14.06.2023 she found out that her house was broke open and trespassed. Thereafter, she came to know that the petitioners are said to have involved in the said activity. When the same was questioned by the second respondent, they have scolded her with filthy language and also threatened her with dire consequence. Hence, the complaint.

3. On the complaint lodged by the second respondent, the first respondent has registered an FIR against the petitioners in Cr.No.189 of 2023 for the offence punishable under Sections 427, 447 and 506(ii) of IPC.

4. The learned counsel appearing for the petitioners submits that the first petitioner has purchased the subject property in the name



Crl.OP.No.16525 of 2023

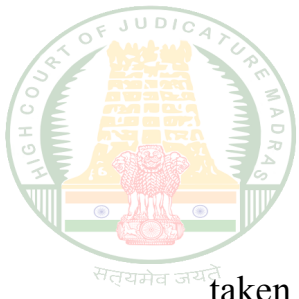
WEB COPY

of his wife Manickam who is the first wife of the first petitioner.

Thereafter, they had misunderstanding with them and got separated and without knowledge of the first petitioner, his wife Manickam obtained Non Traceable Certificate from the jurisdictional police. On the strength of the Non Traceable Certificate, she had executed the sale deed in favour of the second respondent in favour of the subject property.

5. The learned counsel further submits that the first petitioner has also filed a suit for partition in O.S.No.1184 of 2017 as against his first wife and it is pending for adjudication on the file of the Sub Judge, Coimbatore. Infact, the first petitioner also filed a complaint and the same has not been registered. Therefore, the petitioner has approached the Judicial Magistrate Court-II, Coimbatore in Crl.MP.No.4710 of 2021 seeking a direction under Section 156(3) of Cr.P.C.

6. On the strength of the sale deed registered in favour of the second respondent vide D.No.6031 of 2020 dated 20.12.2020, the second respondent has lodged a complaint. No such occurrence has



Crl.OP.No.16525 of 2023

WEB COPY

taken place and only to wreck vengeance, a false complaint has been foisted as against the petitioners. Therefore, it is evident that FIR is nothing but a clear abuse of process of Court and cannot be sustained as against the petitioners and it is liable to be quashed.

7. The learned Government appearing for the respondent police reiterated the prosecution case and vehemently opposed to allow the petition.

8. Though notice was served on the second respondent and her name is also printed in the cause-list, no one appeared before this Court either in person or through counsel.

9. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

10. Insofar as the offence under Section 506(ii) of I.P.C is concerned, threat should be a 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. Whereas, in the case on hand, there is no averment to attract



Crl.OP.No.16525 of 2023

the offence under Section 506(ii) of I.P.C.

WEB COPY

11. It is also 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 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."

12. In so far as offence under Sections 427 and 447 of IPC, there is no ingredients to attract the said offence. Therefore, the impugned complaint is nothing but clear abuse of process of law and it cannot be sustained as against the petitioners.



Crl.OP.No.16525 of 2023

WEB COPY

13. Accordingly, the FIR registered in Cr.No.189 of 2023 on the file of the first respondent is hereby quashed as against the petitioners and this Criminal Original petition is allowed. Consequently, the connected miscellaneous petition is closed.

04.042025

Vv

To

1. The Inspector of Police,
Kattur Police Station,
Coimbatore City.
2. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



Crl.OP.No.16525 of 2023

G.K.ILANTHIRAIYAN, J.

Vv

Crl.O.P.No.16525 of 2023

04.04.2025