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Crl.O.P.No.22614 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.22614 of 2023

and

Crl.M.P.No.15816 of 2023

Ram Munusamy

... Petitioner

Vs

1. The State Rep. by
The Sub-Inspector of Police,
Rediarpalayam Police Station,
Puducherry.

2. S.Kabilan

... Respondents

Criminal Original Petition is filed under Section 528 of BNSS., to call for the records and quash the F.I.R. registered in Crime No.157 of 2023 against the petitioners pending on the file of the respondent Police.

For Petitioner : Mr.Vinoth Ravi

For Respondents : Mr.M.V.Ramachandramurthy,
APP (Pondy) (for R1)

Mr.M.Gnanasekar (for R2)



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.157 of 2023 on the file of the first respondent, registered for the offences under Sections 506(i) and 34 of IPC.

2. The case of the prosecution is that the de-facto complainant had engaged one Karunakaran (A1) for making sculptural work for his newly constructed house for an estimated amount of Rs.18,00,000/- and further paid a sum of Rs.15,00,000/- for completing the work. However, on 03.03.2023, the said Karunakaran went to the complainant's house and demanded more money over and above the work and labour with a threatening attitude. Further, on 19.08.2023, the de-facto complainant received a libel news about him published in a weekly magazine called "Unmai Voice" from one Seenu Kandakumar (A3) through Whatsapp and he came to know from his engineer Siddharth that the said Seenu Kandakumar published the same as instructed by Ram Munusamy (A2) (Petitioner).



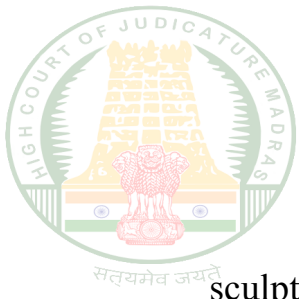
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2.1. Further, it was alleged that when the complainant enquired about the same to the petitioner, he stated that he would continue to publish such libels unless the complainant pays money to Karunakaran and threatened that they will stop the de-facto complainant's son's marriage that was likely to happen the following day and thereby criminally intimidated. Therefore, the complainant paid a sum of Rs.7,00,000/- to Karunakaran on 19.08.2023 as guided by the MLA of Lawspet, Mr.Vaithianathan. Further, the accused persons have again demanded more money from the complainant and therefore, this complaint was lodged before the respondent.

3. Heard the learned counsel for both sides and perused the materials available on record.

4. On a perusal of the records, it is revealed that there are totally three accused, in which the petitioner is arrayed as the second accused. Even according to the case of the prosecution, the first accused, with the client of the petitioner, borrowed money from the second respondent. The first accused is a reputed sculptor, who undertakes sculpturing work and delivers



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sculptures as per the requirement of his customers. When the second respondent approached the first accused for undertaking sculptural work for his newly constructed house at Puducherry, he tendered an estimate to the tune of Rs.21,01,875/-. Accordingly, the second respondent paid a sum of Rs.18,50,000/- towards the sculptural work after negotiation by the first accused.

5. Further, the second respondent sought additional sculptural work, for which a sum of Rs.15,40,000/- was also finalized, payable by the second respondent. Even after completion of the sculptural work, the second respondent did not pay the balance amount. Therefore, the first accused engaged the petitioner, who is an advocate appearing for the first accused, to file a suit against the second respondent for recovery of money. Therefore, the petitioner is also added as an accused in the complaint, that too alleging that the accused threatened the second respondent through phone. Therefore, no offence is made out against the petitioner under Sections 506(i) and 34 of IPC, and the First Information Report itself is nothing but a clear abuse of process of law.



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6. Accordingly, this Criminal Original Petition is allowed and the impugned First Information Report in Crime No.157 of 2023 on the file of the first respondent is hereby quashed. Consequently, the connected Miscellaneous Petition is closed.

28.04.2025

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

1. The Sub-Inspector of Police,
Rediarpalayam Police Station,
Puducherry.
2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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