



Crl.O.P(MD)No.1084 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.1084 of 2025

and

Crl.M.P(MD)No.730 of 2025

1. Ismayil Meeran
2. Amathul Samathal @ Samathal
3. Mohamed Arshad @ Arshath
4. Sindha Muthar Fathima @ Sindha ... Petitioners

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Pettai Police Station,
Tirunelveli City.
Crime No. 177 of 2024.

2. Sheik Syed Ali ... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to call for the entire records pertaining to the case in Crime No. 177 of 2024 pending on the file of the Inspector of Police, Pettai Police Station, Tirunelveli City and quash the same as against the petitioners.



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For Petitioners : Mrs.V.Moushica

For R1 : Mr.M.Sakthi Kumar
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No. 177 of 2024 pending on the file of the Inspector of Police, Pettai Police Station, Tirunelveli City.

2.The prosecution case is that on 01.05.2024 at about 10.00 am, all the accused entered into the house of the defacto complainant, abused in obscene words, restrained the construction work and also caused criminal intimidation, thereby, the second respondent lodged a complaint against the petitioners. Based on the same, the first respondent registered an FIR in Crime No.177 of 2024, for the offence under Sections 441, 294(b) and 506(ii) of IPC.



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3.The learned Counsel for the petitioners would submit that there is a property dispute pending between the petitioners and the second respondent and thereby, the second respondent lodged a false complaint against the petitioners before the learned Judicial Magistrate No.V, Tirunelveli, under Section 156(3) of Cr.P.C and the same was forwarded to the first respondent. Based on the same, the FIR has been registered. In fact, no such occurrence was happened as alleged by the prosecution. Already, the second respondent lodged a complaint and the same was closed by the Police and also, the first petitioner has lodged a complaint against the second respondent, based on which, an FIR in Crime No.183 of 2024 was registered for the offence under Sections 147, 448, 294(b) and 506(i) of IPC and the same is pending. In order to take revenge for that FIR, the present complaint has been lodged. There are no specific allegations with regard to the alleged act done by each of the petitioners. As far as the offence under Section 294(b) of IPC is concerned, there are no any annoyance caused even as per the FIR. As far as the offence under Section 506(2) of IPC, there is no any averments that fear caused in the minds of the defacto complainant. As far as the offence under Section 441 of IPC is concerned, there is a property dispute pending between the parties and the property does not belongs to the second



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respondent. Therefore, there are no any ingredients to constitute the offences against the petitioner, even as per the FIR. Therefore, the present FIR is liable to be quashed.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that based on the complaint lodged by the second respondent, the respondent police registered the present FIR and now the case is under investigation. At this stage, the prayer of the petitioner cannot be considered and as per the FIR, there are specific allegations against each of the petitioners and therefore, the respondent police have to conduct elaborate investigation and hence the present petition is liable to be dismissed.

4.Notice has been served to the second respondent, in spite of that none appeared.

5.Heard both sides and perused the records.

6.In this case, based on the second respondent's complaint, an FIR has been registered as against these petitioners in Crime No.177 of 2024,



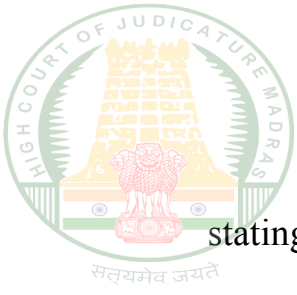
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for the offence under Sections 441, 294(b) and 506(ii) of IPC.

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7. According to the petitioners, due to civil dispute pending between the parties. The first petitioner lodged a complaint against the second respondent and a case in Crime No.183 of 2024 was registered and the same is pending. While so, in order to take revenge, the present complaint was lodged and there are no ingredients in the FIR to constitute the offences. According to the respondent police, the case is under investigation and at this stage, the case cannot be considered for quash of FIR.

8. On perusal of impugned FIR, it is seen that on 01.05.2024 at about 10.00 a.m, when the second respondent was doing construction work, all the accused entered into the place, abused in obscene words, restrained the construction work and the same was questioned by the petitioners and they made criminal intimidation. There is no any specific allegations against each of the petitioners. There are vague and bald allegations and there is no any specific words uttered by each of the accused. As far as the offence under Section 294(b) is concerned, in the FIR they mentioned about the obscene words but no any averment



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stating that the obscene words caused annoyance to the anyone. Further even as per the FIR all the petitioners used a particular obscene word and no any specific words mentioned as against each accused.

9.As far as the offence under Section 506(2) of IPC is concerned, no any specific allegation against particular accused and only stated that " உங்களை வெட்டிக் கொன்று புதைத்து விடுவோம்". There is no any allegation that the said words caused fear in the minds of the defacto complainant and it is well settled that mere utterance of words will not attract the offence under Section 506(2) of IPC and no any weapons carried by the petitioners when there is a word spoken that they would cut and bury in the land in and thereby, the offence under Section 506(2) of IPC also would not attract, even as per the averments of the FIR.

10.As far as the offence under Section 441 of IPC is concerned, there is a dispute pending between the parties in respect of a property and there are no ingredients to constitute the offence that the property was under the possession of the defacto complainant. Moreover there was a dispute between the parties in respect of the property. Therefore, there are no averments to constitute the offences even as per the FIR and



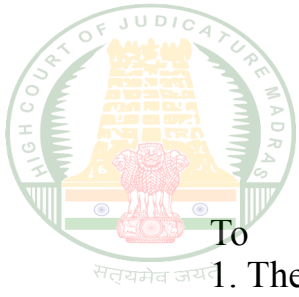
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only bald and vague allegations found in the FIR. Moreover, a case against the defacto complainant was also registered in Crime No.183 of 2024 based on the complaint given by the first petitioner. Therefore, without any specific allegations, the present complaint has been lodged and the same would reveal that only to take revenge for the civil dispute and the previous case pending against the defacto complainant this complaint was lodged. Therefore, it is a clear abuse of process of law. For the vague and bald allegation, the petitioners need not face ordeal trial.

11. Therefore, the impugned FIR is liable to be quashed. Accordingly, the impugned FIR in Crime No.177 of 2024 is quashed as against the petitioners. Hence, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

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Internet : Yes
Index : Yes/No
NCC : Yes/No
LR



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To

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Pettai Police Station,
Tirunelveli City.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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