



Crl.O.P.(MD)No.19242 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.19242 of 2022
and Crl.M.P. (MD) Nos.12995 and 12997of 2022

1.Subramani @ Mani
2.Gomathi

... Petitioners/A1 & A2

Vs.

1.The Inspector of Police,
Pathamadai Police Station,
Tirunelveli District.
Crime No. 24 of 2020.

... Respondent/Complainant

2.Tamilselvi

... Respondent/
Defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, call for records pertaining to the charge sheet in C.C.No.412 of 2020 on the file of the District Munsif cum Judicial Magistrate, Cheranmahadevi and quash the same as illegal.

For Petitioner : Mr.J.Kalyan

For Respondent : Mr.A.Albert James
Government Advocate



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ORDER

This petition has been filed to quash the proceedings pending in C.C.No.412 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi.

2. The second respondent gave a complaint to the effect that there was a property dispute between the parties and that on 16.03.2020, A1 is said to have abused the second respondent in filthy language and attacked her with iron rod and caused injuries and also threatened with dire consequences. The wife of A1 also abused the defacto complainant in filthy language and threatened her. Based on this complaint, an FIR came to be registered for offence under Sections 294(b), 324, 506(ii) of IPC and Section 4 of the Tamil Nadu prohibition of Harassment of Women Act. On completion of investigation, a police report was filed before the Court below as against A1 and A2. Insofar as A1, it was filed for offence under Sections 294(b), 324, 506(ii) of IPC and Section 4 of the Tamil Nadu prohibition of Harassment of Women Act. Insofar as A2, it has been filed for offence under Sections 294(b), and 506(ii) of IPC. The Court below took cognizance of offence and issued process.



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Aggrieved by the same, the present quash petition has been filed before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the first respondent. The second respondent has been served with notice and the name of the second respondent has also been printed in the cause-list. There is no appearance either in person or through counsel.

4. It is clear from the materials placed before this Court that there is a property dispute between the petitioners and the defacto complainant. Insofar as the first petitioner (A1) is concerned, he is said to have attacked the defacto complainant with iron road and the defacto complainant has sustained injuries which has been spoken to by the Doctor (LW6) whose statement has been recorded by the Investigation Officer. That apart, the overt act attributed against the first petitioner has also been spoken to by LW1 to LW3. Hence, there is no scope for interfering with the proceedings insofar as the first petitioner (A1) is concerned.



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5. The charge against A2 is for offence under Sections 294(b) and 506(ii) of IPC. Admittedly in this case, so called abusive words spoken by A2 has been narrated by LW2, who is the father of LW1 and LW3, who is the daughter of LW1. These are close family members. Hence, there is no material to show that the abuse hurled by the petitioner (A2) is in a public place. That apart, the so called threat exerted by the second petitioner are merely words which were uttered without anything more in terms of action. Hence, the offence of criminal intimidation is also not made out as against the second petitioner (A2).

6. In the light of the above discussion, this Court is inclined to interfere with the proceedings insofar the second petitioner (A2) is concerned. The first petitioner has to face the trial and it is left open to the first petitioner to raise all the grounds before the Court below which will be considered on its own merits and in accordance with law.

7. In the result, this Criminal Original Petition is partly allowed and the proceedings pending in C.C.No.412 of 2020 on the file



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of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi,

is hereby quashed insofar as the second petitioner (A2) is concerned. The

Court below shall proceed with the case as against A1 and the

proceedings shall be completed within a period of six months from the

date of receipt of a copy of this order. Consequently, connected

miscellaneous petitions are closed.

24.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

- 1.The Inspector of Police,
Pathamada Police Station,
Tirunelveli District.
2. The District Munsif cum Judicial Magistrate, Cheranmahadevi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

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