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CRL OP No. 17237 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP Nos. 17237, 17239 and 17240 of 2023

and

Crl.M.P.Nos 11152,11161 and 11163 of 2023

R.Krishnaswamy
S/o Rangappa Gounder, No.15/15b, Saraswathy
Nagar, Palakkad Main Road, Madhukkarai,
Coimbatore 641105

..Petitioner in
Crl.O.P.No.17237 of
2023

V.Thirumoorthy,
S/o. Velusamy, 11/148, Mahaliyamman Kovil
Street, Madhukkarai Market, Coimbatore -
641105.

..Petitioner in
Crl.O.P.No. 17239 of
2023

R.Balasubramaniam
S/o Rangasamy Gounder, 78/281, Madukarai
Market, Madhukkarai, Coimbatore 641105

..Petitioner in
Crl.O.P.No. 17240 of
2023

Vs

1. Sub Inspector Of Police
R3 Madhukkarai Police Station, Coimbatore
District



2. C.Kannan

S/o Krishnaswamy, No.2/30, Palani Andavar
Koil Street, Ettimadai, Coimbatore 641105

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..Respondent in all the
Crl.O.P
s

Prayer in Crl.O.P.No.17237 of 2023: This petition is filed under Section 482 of Cr.P.C to Call for the records in Crime no.249/2023 pending on the file of the Sub Inspector of Police, R3 Madhukkarai Police Station, Coimbatore district and Quash the Same

Prayer in Crl.O.P.No.17239 of 2023: This petition is filed under Section 482 of Cr.P.C to Call for the records in Crime no.249/2023 pending on the file of the Sub Inspector of Police, R3 Madhukkarai Police Station, Coimbatore district and Quash the Same.

Prayer in Crl.O.P.No.17240 of 2023: This petition is filed under Section 482 of Cr.P.C to Call for the records in Crime no.249/2023 pending on the file of the Sub Inspector of Police, R3 Madhukkarai Police Station, Coimbatore district and Quash the Same.

(In all the Crl.O.p's)

For Petitioner(s): Mr. Abdul Saleem

For Respondent-1: Mr. A. Gopinath, Government Advocate



COMMON ORDER

These petitions has been filed to quash the F.I.R in Crime No.249/2023 pending on the file of the Sub Inspector of Police, R3 Madhukkarai Police Station, Coimbatore District.

2. The case of the prosecution is that the petitioners abused the second respondent stating that he has misappropriated temple funds and also threatened him by stating that they will hit him in the Government Transport bus. Hence, the second respondent has lodged a complaint and the same was duly investigated and the first respondent registered the F.I.R in Crime No.249 of 2023 for the offence punishable under Sections 294(b) and 506(i) of I.P.C.

3. The learned counsel for the petitioner submits that the impugned FIR is without application of mind and in a mechanical manner without proper investigation. He further submitted that he first respondent had not conducted any investigation before the Registration of F.I.R. Hence, prays for quashment of F.I.R.

4.The learned Government Advocate (Crl.side) would submit that the investigation is almost completed and the respondent police is about to file a final report.



5. On a perusal of entire records and also the submissions made by either side reveals that the accused are trustees of Arulmigu Dharmalingeswarasamy Temple, Madhukkarai, Coimbatore and they are managing the temple. While being so, the Deputy Commissioner vide order dated 24.05.1995 in O.A.No.12 of 1993 framed a scheme and declared the petitioner in Crl.O.P.No.17237 of 2023 along with 4 others as Trustees to administer the said temple. Petitioner in Crl.O.P.No. 17239 of 2023 is a Government Bus Driver and the devotee of the said temple. Petitioner in Crl.O.P.No. 17240 of 2023 is a Senior citizen and devotee of the said temple. The petitioner in Crl.O.P.No.17237 of 2023 discharging the duties as lifetime trustee as all the trustees passed away except him. Hence an application was filed before the HR&CE, Coimbatore to appoint Trustees in the place of the deceased and the proceedings are pending consideration. While being so, the second respondent was appointed to manage the temple till a decision is taken by the HR&CE. Thereafter, all the documents pertaining to the accounts of the temple were handed over to the defacto complainant/second respondent herein.

6. It is alleged that when the defacto complainant is asked to submit the accounts of temple he had provoked and started scolding and threatened all the persons in an unlawful manner. All the incidents were recorded in the meeting held on 17.04.2023. For which the second respondent failed to submit any explanation and lodged the complaint against the petitioners in order to escape from the clutches of law.



7. In this regard, It is relevant to rely upon the judgment of this Court made in ***Crl.O.P.(MD)No.11030 of 2014*** in the case of ***Abdul Agis Vs. State through the Inspector of Police***, which reads as follows:-

“7.It is seen from the statements recorded under Section 161(3) of Cr.P.C. of the second respondent/ defacto complainant that it does not contain any obscene words, which were uttered by the petitioner herein and the entire allegations are very simple in nature. It is also seen from the statement of one Uthami, that the petitioner threatened the defacto complainant with dire consequences when he dashed the defacto complainant. The entire allegations are trivial in nature. Further, to attract the offence under Section 506(i) of I.P.C., there was a threatening only by words. As pointed by the learned counsel appearing for the petitioner, the threat should be a real one and not just a mere word when the petition uttering does not exactly mean what he says and also when the person to whom threat is launched does not feel threatened actually. Therefore, the offences under Sections 294(b) and 506(i) of I.P.C. are not made out as against the petitioner herein and also the entire criminal proceedings is clear an abuse of process of Court. Therefore, this Court is inclined to quash the entire proceedings.”

8. In this regard, it is 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."

Therefore, the impugned complaint is nothing but clear abuse of process of law and it cannot be sustained as against the petitioner.

9. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the Crime No.249 of 2023 pending on the file of the Sub Inspector of Police, R3 Madhukkarai Police Station, Coimbatore district is hereby quashed.

10. In the result, these Criminal Original Petition stands allowed. Consequently, connected Miscellaneous petition are closed.

20.04.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SMN



To.

WEB COPY

1. The Sub Inspector Of Police
R3 Madhukkarai Police Station, Coimbatore District

2. The Public Prosecutor, High Court, Madras



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CRL OP No. 17237 of 2



G.K.ILANTHIRAIYAN, J.

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and
Crl.M.P.Nos 11152,11161 and 11163 of 2023**

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