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Crl.O.P(MD).No.3480 of 20



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.3480 of 2020

and

Crl.M.P.(MD)Nos.1866 and 1868 of 2020

S.Pugalendhi

...Petitioner

Vs

1.State Represented by,
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
(Crime No.25 of 2017)

2.Aravainthan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records pertaining to the case in S.T.C.No.261 of 2019 on the file of the learned Judicial Magistrate No.I, Sivagangai and quash the proceedings as against the petitioner herein.

For Petitioner	: Mr.K.P.Narayanakumar
For 1 st Respondent	: Mr.M.Sakthi Kumar
	Government Advocate (Crl. Side)
For 2 nd Respondent	: No Appearance

ORDER

This petition is filed to quash the charge sheet in S.T.C.No.261 of 2019,
on the file of the learned Judicial Magistrate No.I, Sivagangai.



2. According to the petitioner, the second respondent has filed a complaint as against the petitioner before the first respondent and thereby, FIR in Crime No.25 of 2017 is registered for the offences under Sections 294(b), 353, 506(i) of IPC and the first respondent without conducting proper investigation, filed a final report for the offences under Sections 294(b), 353, 506(i) of IPC. In fact the petitioner gave a complaint before the defacto complainant and the same was asked by the petitioner over phone, at that time, there was some exchange of heated arguments, thereby, the second respondent lodged the false complaint.

3. No counter was filed on the side of the respondents.

4. The learned counsel appearing for the petitioner would contend that the petitioner had given complaint to the second respondent to take action on the forged patta and the same was asked by the petitioner over phone at that time there was wordy altercation between the petitioner and the second respondent. Thereafter, the second respondent gave complaint before the first respondent and FIR registered in Crime No.25 of 2017 and then filed charge sheet for the offence under Sections 294(b), 353, 506(i) of IPC. But no offence was made out as per final report and the allegations in the above said charge sheet is that the petitioner threatened the second respondent with dire



consequences over phone. As per final report, none of the offences made out against the petitioner. Thereby, the charge sheet is liable to be quashed.

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5.The learned Government Advocate appearing for the first respondent would contend that the petitioner on the date of occurrence on 10.01.2017, called the second respondent over phone and there was wordy quarrel between them. At that time, The petitioner threatened the second respondent and thereby, the second respondent gave a complaint and based on the complaint, FIR was registered and thereafter investigated the case and filed a final report.

6.This Court heard both sides and perused the materials available on record.

7.On perusal of the records, it is observed that the respondent filed FIR in Crime No.25 of 2017 for the offences under Sections 294(b), 353, 506(i) of IPC and examined the witnesses and filed final report for the offences Sections 294(b), 353, 506(i) of IPC. A careful perusal of the final report filed by the first respondent, it is seen that there is no material to attract the offences under Sections 294(b), 353, 506(i) of IPC. The allegations made in the charge sheet is that the petitioner asked about the action taken for in his petition over phone and at that time, there was wordy quarrel between them at

that time, the first accused stated that 'வாடா போடா எனவும் ஒருமையில்



பேசியும் கொலைமிரட்டல் விடுத்தும் தொடர்ந்து 1வது சாட்சியை அரசு பணி செய்யவிடாமல் செல்போன் மூலம் தொடர்ந்து பேசி இடையறு செய்தது குற்றம்.'.

8.In order to attract offence under Section 294(b) of IPC, there is no obscene words uttered by the petitioner. No obscene words found in the charge sheet or in the statement of witness.

9.As far as Section 506(i) of IPC is concerned, there is no specific allegation as to what kind of word, the petitioner threatened the second respondent and there is no allegation against the petitioner to attract the provisions under Section 506(i) of IPC.

10.As far as the offence under Section 353 of IPC is concerned, mere word that 'சாட்சியை அரசு பணி செய்யவிடாமல் செல்போன் மூலம் தொடர்ந்து பேசி இடையறு செய்தது குற்றம்' is not sufficient to constitute the offence under Section 353 of IPC. In the absence of specific material that the petitioner obstructed the second respondent from discharging his duties, the charge under Section 353 of IPC will not attract.

11.A careful perusal of the materials, it is seen that the complaint and the charge sheet are not specific and it is vague and no offences made out.



Hence, the charge sheet in S.T.C.No.261 of 2019, on the file of the learned Judicial Magistrate No.I, Sivagangai is quashed.

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12.In view of the above, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petitions are closed.

20.07.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Mrn

To

- 1.The Judicial Magistrate No.I, Sivagangai.
- 2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL,J.

Mrn

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