



Crl.O.P.(MD) No.5001 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2025

CORAM

THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD) No.5001 of 2025
and Crl.M.P(MD).Nos.3631 and 3632 of 2025

M.Jerald Jayaseelan

... Petitioner

Vs.

1.State of Tamil Nadu
rep., by the Inspector of Police,
Manavalakuruchy Police Station,
Kanyakumari District.
Crime No.104 of 2017

2.K.Sahaya Stalin

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records and quash the final report in C.C.No.183 of 2022 on the file of the learned Judicial Magistrate, Eraniel.

For Petitioner : Mr.J.John Jayakumar

For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

For R2 : No representation



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ORDER

Seeking to quashment of final report in C.C.No.183 of 2022 on the file of the learned Judicial Magistrate, Eraniel, this criminal original petition is filed.

2.The learned counsel for the petitioner submitted that the petitioner is the accused in C.C.No.183 of 2022 pending on the file of the learned Judicial Magistrate, Eraniel and the second respondent is the defacto complaint, on whose instance, first information report in Crime No.104 of 2017 was registered on 05.05.2017 for the offences under Sections 294(b) and 506(ii) of IPC and Section 3(1) of Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992 and the same has culminated in laying a charge sheet as against the petitioner in C.C.No.183 of 2022. Challenging the same, the present petition has been filed.

3.The case of the prosecution is that, on 05.05.2017 at about 12.00 pm., when the defacto complainant was proceeding to Manavalakurichi in a two wheeler bearing Registration No.TN 75 V 4129 Yamaha FZ via



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Dhivandakottai, Ammandivilai junction and while he was turning in the said road, he was about to dash against the petitioner herein, who drove his two-wheeler in a rash and negligent manner. When the same was questioned by the defacto complainant, the petitioner had criminally intimidated the defacto complainant and abused him with filthy languages and also broke the rear view mirror of the vehicle and thereby causing damage worth about Rs.300/-, for which, complaint was lodged by the defacto complainant/second respondent, on the basis of which, first information report was registered for the aforesaid offences.

4.However, a clear reading of the final report would make it clear that none of the offence would be made out as against the petitioner. The prosecution story itself is a false narrative. Even in terms of the charge sheet, the petitioner has not caused any annoyance to any public and neither the vehicle was sent to the Motor Vehicle Inspector for inspection nor the photographs of the damaged vehicle was produced along with the charge sheet and hence, he seeks indulgence of this Court by quashing the impugned final report against the petitioner.



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5.The learned Government Advocate(crl.side), on instructions, submitted that a clear reading of the charge sheet itself make it clear that offences are clearly made out as against the petitioner and sought dismissal of this petition.

6.Heard the learned counsel on either side and carefully perused the materials available on record.

7.It is needless to state that when an act causing annoyance is committed by any person in a public place, an offence under Section 294(b) IPC would be attracted. However, in the present case, even a perusal of the final report does not disclose any material to substantiate the offence under Section 294(b) IPC. Insofar as Section 506(ii) IPC is concerned, the charge sheet does not clearly disclose any material to establish the ingredients of criminal intimidation. As far as Section 3(1) of TN Public Property (Prevention of Damage and Loss) Act, as rightly pointed by the learned counsel for the petitioner that neither the photoes of the damaged vehicle nor the documents pertaing to sending the vehicle



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to a Motor Vehicle Inspector for inspection has been produced by the prosecution. In view of the same, this Court is of the considered view that no overt act as against the petitioner. Therefore, this Court is satisfied that the continuation of the impugned proceedings as against the petitioner would be abuse of process of law and accordingly, the impugned charge sheet in C.C.No.183 of 2022 on the file of the learned Judicial Magistrate, Eraniel is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

11.02.2026

Rmk

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Judicial Magistrate, Eraniel.
- 2.The Inspector of Police,
Manavalakuruchy Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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