



BEFORE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.02.2015
THE HONOURABLE MR. JUSTICE C.T. SELVAM
CRL.O.P. (MD) Nos.21863 and 21896 of 2014

In Crl.O.P. (MD) No.21863 of 2014:

Rev.Fr.Anthony Daniel ...Petitioner/Sole Accused
Vs.

1.State
rep. by Inspector of Police,
East Police Station,
Thanjavur,
(Crime No.295/2014) .. Respondent/Complainant

2.T.K.Prabhu ..Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records pertaining to the C.C.No.249 of 2014 on
the file of the learned Judicial Magistrate No.I, Thanjavur, and quash
the proceedings as against the petitioner herein.

In Crl.O.P. (MD) No.21896 of 2014:

1.Rev.Fr.Anthony Daniel
2.Rev.Fr.Thomas Fernando ...Petitioners/A1 and A2

Vs.

1.State
rep. by Inspector of Police,
East Police Station,
Thanjavur,
(Crime No.295/2014) .. Respondent/Complainant

2.S.Sampath ..Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records pertaining to the STC No. 5275 of 2014 on
the file of the learned Judicial Magistrate No.I, Thanjavur and quash the
proceedings as against the petitioners herein.

In both petitions:

For Petitioners : Mr.M.Karunanithi
for S.Rajaprabu
For R1 : Mr.K.Anbarasan
Government Advocate(Crl.side)
R2 : No appearance

O R D E R

In Crl.O.P. (MD) No.21863 of 2014:

The petitioner seeks quash of proceedings in C.C.No.249 of 2014 on
the file of the learned Judicial Magistrate No.1, Thanjavur.



2. We have heard learned counsel for the petitioner and learned Government Advocate(Crl.side) appearing for the first respondent police. The second respondent is not before us.

3.Charge sheet in the case informs that the petitioner had abused and intimidated the defacto complainant when he called at the Church of the petitioner on 10.07.2014 at 10.30 a.m and objected to use loud speaker.

4. The position is covered under earlier order of this Court reported in (2010) 2 MLJ (Crl) 12 in R.Ramesh Vs. State by Inspector of Police,Kachirapalayam Police Station, Villupuram District. The observation made in paragraph No.11 in the order is as follows:

'A perusal of the complaint/FIR does not show that on hearing the obscene words which were uttered by the accused, the witnesses felt annoyed and in the statements of witnesses, they have not stated that on hearing the obscene words they felt annoyed and in the absence of legal evidence to show that the words uttered by the accused annoyed others, it cannot be said that the ingredients of the offence under Section 294B IPC are made out. Therefore, the contentions put forth by the learned counsel for the petitioner merits acceptance'.

5. In view of the said order, this petition shall stand allowed and the proceedings in C.C.No.249 of 2014 on the file of the learned Judicial Magistrate No.I, Thanjavur, shall stand quashed. Consequently, connected M.P.(MD) Nos. 1 and 2 of 2014 are closed.

In Crl.O.P.(MD) No.21896 of 2014:

The petitioners seek quash of proceedings in S.T.C.No.5275 of 2014 on the file of the learned Judicial Magistrate No.I, Thanjavur. The petitioners are charged of offences under Section 291 IPC r/w 3-A of Tamil Nadu Towns Nuisances Act, 1889.

2. We have heard learned counsel for the petitioners and learned Government Advocate(Crl.side) appearing for the first respondent police. There is no representation for the second respondent.

3.In this case, charge sheet does not inform that any order of injunction issued by lawful authority was in force. In the absence thereof, no charge under Section 291 IPC can be made. Similarly, there has been no seizure of any amplifier or loud speaker. In support of such charge. Mere statements of persons opposed, who take unkindly to religious practice in a Church, cannot sustain the prosecution. This petition shall stand allowed and the proceedings in S.T.C.No.5275 of 2014 on the file of the learned Judicial Magistrate No.I, Thanjavur shall stand quashed. Consequently, connected M.P.(MD) Nos. 1 and 2 of 2014 are closed.

Sd/-

Assistant Registrar (AE)

/True copy/



To

1.The Inspector of Police,
East Police Station, Thanjavur.

2.The Judicial Magistrate No.I, Thanjavur.

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

+1cc to MR.S.RAJA PRABHU, ADVOCATE IN SR : 10020

Ses

SR : 16.03.2015 : 3p/5c

CRL.O.P. (MD) Nos.21863 and 21896 of 2014
and M.P. (MD) Nos. 1 and 1 of 2014
and M.P. (MD) Nos. 2 and 2 of 2014
27.02.2015