



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2017

CORAM:

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD)No.13744 of 2017 and
CRL.M.P.(MD)Nos.9248 & 9249 of 2017

Prasath ... Petitioner/Accused No.1

Vs.

1. The Inspector of Police,
Palamedu Police Station,
Palamedu, Madurai District. ... 1st Respondent/Complainant

2. N.Selvam ... 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, praying to quash the in S.T.C.No.179 of 2016 on the file of the learned Judicial Magistrate, Vadipatti, Madurai District and to quash the same.

For Petitioner : Mr.C.D.Johnson
For R-1 : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

O R D E R

This Criminal Original petition is filed for quashing the criminal proceedings in S.T.C.No.179 of 2016 on the file of the learned Judicial Magistrate, Vadipatti, Madurai District.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. The petitioner states that he is the brother of one Tamilarasi. He further states that the second respondent is the father-in-law of the petitioner's sister, one Tamilarasi.

4. It appears that on the basis of the complaint given by the second respondent, a case was registered in Crime No.176 of 2015 for the offences under Sections 294(b) and 506(i) of I.P.C. After filing of the Charge Sheet, the case was taken on file in S.T.C. No.179 of 2016 on the file of the learned Judicial Magistrate, Vadipatti, Madurai District.

5. The second respondent gave a complaint that the petitioner came to his house on 22.11.2015 in search of his son and scolded him



using filthy language and threatened the defacto complainant to hand over his son to the petitioner. The complaint was registered in the year 2015 and it was taken on file in the year 2016 in S.T.C. No.179 of 2016. The complaint as well as the Charge Sheet, clearly discloses the offences for which the case was registered.

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6. The contention of the learned counsel for the petitioner is that the alleged occurrence was stated to have occurred in the house of the petitioner and that therefore it is not a public place to attract Section 294(b) of I.P.C. It is not admitted in the complaint that the petitioner has scolded the defacto complainant using filthy language, and that the occurrence happened inside the house. Hence, it is matter for evidence.

7. If the petitioner is able to prove the allegation that the occurrence happened inside the house, and that Section 294(b) of I.P.C., is not attracted, he may prove that by let in evidence. No other legal submission is made in this case except denying the allegations made in the complaint as well as the Charge Sheet. The petitioner is not able to demonstrate or substantiate his case. It is not a case where allowing the petitioner to face trial will be an abuse of process of law or that the complaint does not disclose any cognizable offence. Hence, the Criminal Original petition is dismissed as devoid of any merits. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Vadipatti, Madurai District.
2. -do- though The Chief Judicial Magistrate, Madurai.
3. The Inspector of Police,
Palamedu Police Station, Palamedu,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.C.D.JOHNSON, ADVOCATE IN SR No. 82510

PMU

TE/RSK/SAR-2 : 31/10/2017 : 2P/6C