

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No. 980 of 2018
and
Crl.M.P.Nos.337 & 338 of 2018

M.Ramachandran ... Petitioner

Vs

1. The Sub Inspector of Police,
Eadaikal Police Station at Asanur,
Ulundurpet Taluk,
Villupuram District.

2. Thangavel

(R2 is impleaded as per the order
of this Court dated 13.02.2018 in
Crl.M.P.No.1857 of 2018 in
Crl.O.P.No.980 f 2018)

.... Respondents

Prayer : Criminal Original Petition filed under Section 482
Cr.P.C. to issue direction to call for the records pertaining to
the proceedings in STC.No.4555 of 2017 on Judicial Magistrate -I
at Ulundurpet, Villupuram district and quash the same.

For Petitioner : Mr.S.Ramajayam

For Respondent : Mrs.Kritika Kamal.P
Government Advocate (Crl. Side)

O R D E R

The prayer sought for in the present petition is call
for the records pertaining to the proceedings in STC.No.4555 of
2017 on Judicial Magistrate -I at Ulundurpet, Villupuram
district.

2. The only Section under which the petitioner has been
charged is under Section 294(b) IPC. The statement of the
defacto complainant is that when he was in his own agricultural
land, the petitioner herein had brought his cow there, at which
point of time, the petitioner herein had kicked the

complainant's cow and in consequence of that occurrence, obscene words were alleged to have been uttered. It is in this connection that the petitioner is charged for the offence under Section 294 (b) IPC. On a perusal of the statement from the defacto complainant, it is seen that the occurrence took place in a private property and the statements also indicate that this obscene words were not uttered to the annoyance of the other persons. On these two main grounds, namely, that the incident did not occur in a public place and that the alleged words did not create annoyance to third persons, the offence under Section 294 (b) will not be made out. While that being so, I am unable to comprehend as to how the trial can proceed to a logical conclusion. In this back ground the petitioner is entitled to succeed.

3. In view of the above observations, the proceedings in S.T.C.No.4555 of 2017 on the file of the learned Judicial Magistrate - 1, Ulundurpet, Villupuram District are quashed. The Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dh

To

1. The Sub Inspector of Police,
Eadaikal Police Station at Asanur,
Ulundurpet Taluk,
Villupuram District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Ramajayam, Advocate, S.R.No.23281

Cr1.O.P.No.980 of 2018

VGII (CO)

RRK (04/05/2018)