

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

CrI.O.P. No.23429 of 2017 & CrI.M.P. No.13628 of 2017

Munusamy

Petitioner

vs.

State represented by
the Inspector of Police
Arani Taluk Police Station
Tiruvannamalai District
(Cr. No.13/2017)

Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records and quash all the proceedings in FIR in Cr. No.13 of 2017 dated 08.01.2017 on the file of the Inspector of Police, Arani Taluk Police Station, Tiruvannamalai.

For petitioner Mr. N. Nirmalraj
For respondent Mr. C. Iyappa Raj
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to call for the records in connection with the FIR in Cr. No.13 of 2017 dated 08.01.2017 on the file of the Inspector of Police, Arani Taluk Police Station, Tiruvannamalai and quash the same.

2 On the complaint lodged by Mr. Solomon Raja, Inspector of Police, Arni Taluk Police Station, a case in Arani Taluk P.S. Cr. No.13 of 2017 has been registered under Section 160 IPC against Govindhasamy (A1) and Munusamy (A2), for quashing which, Munusamy (A2) is before this Court.

3 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent State.

4 On a reading of the FIR, it is seen that it is alleged by the police that on 08.01.2017, two accused were standing in Mariamman Temple Street around 4.30 p.m. and were abusing each other in filthy language. Apart from this, there is no other allegation in the FIR. For attracting an offence under Section 160 IPC, there should be fighting in a public place between two or more persons. Since the element of fighting is missing in the complaint, the impugned FIR is liable to be quashed and is accordingly quashed.

As a sequitur, this Criminal Original Petition stands allowed. Connected Crl.M.P. is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Inspector of Police
Arani Taluk Police Station
Tiruvannamalai District

2 The Public Prosecutor
Madras High Court
Chennai 600 104

+lcc to Mr.N.Nirmalraj, Advocate Sr.No.53506

EV(CO)
sm:16.8.2018

सत्यमेव जयते

Crl.O.P. No.23429 of 2017

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