

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2019
CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.25821 of 2017
and Crl.M.P.No.9915 of 2019
& Crl.M.P.No.14882 of 2017

Judith

... Petitioner/Accused

.Vs.

1. The State Rep. by
Inspector of Police,
Sathuvacheri Police Station,
Vellore, Vellore District. ...1st Respondent/ Complainant
2. Sasikumar ...R2/ Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in pursuant to the FIR in Crime No.277 of 2017 (on the file of the 1st respondent) and quash the same.

For Petitioner : Mr.M.Sathish Kumar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1

O R D E R

This petition has been filed seeking to quash the FIR in Crime No.277 of 2017 pending on the file of the 1st respondent.

2. The first respondent police registered an FIR in Crime No.277 of 2017 against the petitioner for the offences under Sections 294 (b) and 353 of IPC. This FIR was registered based on the complaint given by the 2nd respondent, who is the Health Supervisor, working in the Collector's Office at Vellore.

3. The case of the prosecution is that the District Collector was visiting various places in order to inspect and take precautionary action to prevent Dengue fever. It is alleged that, when the District Collector visited the house of the petitioner, the petitioner prevented the officials from conducting the inspection and abused them in filthy language.

4. The learned counsel for the petitioner submitted that the entire complaint is motivated and it has been given only to wreck vengeance against the petitioner, who is the grand daughter of the Ex-Counselor in that locality. The learned counsel further submitted that the complaint does not even say what was the abusive language that was used and in what manner the petitioner had prevented the authorities from carrying on with their work.

5. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that, investigation is still pending.

6. The FIR has been registered for the offences under Section 294(b) of IPC. In order to attract the said offence, the complaint should contain the minimum particulars regarding the words used by the petitioner, when the petitioner is alleged to have abused the officials. That apart this must have happened in the public place. Both the particulars are absent and therefore no offence is made out to attract Section 294(b) of IPC.

7. Insofar as the offence under Section 353 of IPC is concerned, there are absolutely no allegations with regard to any criminal forces or assault committed by the petitioner and therefore the offence under Section 353 of IPC is also not attracted in this case, going by the allegations made in the complaint.

8. In view of the above, this Court has to necessarily interfere with the FIR registered by the respondent police and accordingly the FIR in Crime No.277 of 2017, pending on the file of the 1st respondent is hereby quashed.

9. In the result this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

ssr

सत्यमेव जयते

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Sathuvacheri Police Station,
Vellore, Vellore District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Sathish Kumar, Advocate, SR.No.64642

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Kak (27/09/2019)



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