



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P.(MD).No.10242 of 2019andCrl.M.P.(MD)No.6440 of 2019

Sahaya Arul

: Petitioner

Vs.

1.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District,
(Crime No.244 of 2018)

2.Seemaisamy

: Respondents

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records in Crime No.244 of 2018 on the file of the first respondent police and quash the same as against the petitioner.

For Petitioner

: Mr.S.Pakalavan

For R1

: Mr.K.Suyambulinga Bharathi

Government Advocate (Crl.Side)

ORDER

This petition has been filed to quash the FIR in Crime No.244 of 2018.

2. The petitioner is the sole accused in Crime No.244 of 2018 registered for the offence punishable under Sections 294(b), 353, 506(ii) IPC based on the complaint given by the second respondent alleging that the petitioner abused the second respondent, a Special Sub Inspector of Police and criminally intimidated him and also prevented him from discharging his official duty. Now seeking to quash the above said complaint, the petitioner has filed the present petition.

3. The learned counsel for the petitioner submitted that the complaint was given with *mala fide* intention. He would further submit that even though the alleged occurrence is said to have taken place on 04.06.2018 at about 10.00 p.m., the complaint has been registered at 11.00 p.m., with a delay of one hour. He would also submit that since the petitioner has given complaint against a Fire and Rescue Department Officer, the second respondent has lodged the present complaint as counter blast.



4. The learned Government Advocate (Crl.Side) appearing for the first respondent, on instructions, would submit that the petitioner is doing cracker business, and filed an application seeking for license. The said application of the petitioner was not considered, hence the petitioner has abused the second respondent with filthy language and criminally intimidated him and also prevented him to discharge his official duty. In the above circumstances, the first respondent has registered the present complaint.

5. Heard the learned counsel on either side and perused the records carefully.

6. The allegation made against the petitioner is that the petitioner has abused the second respondent, a Special Sub Inspector of Police in the first respondent police station with filthy language and criminally intimidated him and also prevented him from discharging his official duty. Perusal of the FIR clearly makes out a cognizable offence and the first respondent has rightly registered the FIR against the petitioner. That apart, it is submitted that the investigation in this case has been completed and final report has also been filed before the learned Judicial Magistrate No.I, Sivagangai, on 30.06.2018 and the and the same is pending for taking cognizance.

7. In the above circumstances, I find no merit in the present petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.

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

Order made in
CRL.O.P. (MD) .No.10242 of 2019

Dated:
22.07.2019