



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.22485 of 2014

and

MP(MD)Nos.1 & 2 of 2014

WEB COPY

Inigo

... Petitioner / Sole Accused

Vs.

1.The State, rep.by
The Inspector of Police,
Kurumbur Police Station,
Tuticorin District.

... Respondent / Complainant

3.Peter

... Respondent /Defacto
complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the charge sheet in C.C No.392 of 2014 on the file of the learned Judicial Magistrate, Srivaikundam and quash the same.

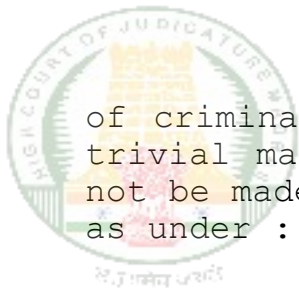
For Petitioner : Mr.D.Selvanayagam
For Respondents : Mr.A.Robinson,
Government Advocate for R1
No appearance for R2

ORDER

The petitioner is facing trial in C.C No.392 of 2014 on the file of the Judicial Magistrate, Srivaikundam for the offences under Sections 294(b) and 506(ii) IPC.

2.The case of the defacto complainant is that on 20.04.2014 at about 11.00 P.M, the petitioner herein abused the defacto complainant and also held out threats. The petitioner is said to belong to Congress party while the defacto complainant belongs to Aam Aadmy Party. The petitioner is said to have objected to the acts of the defacto complainant in coming to his house and for having distributed election phamplets.

3.This Court can note that a petty political dispute has been given criminal colour. It is well settled that to attract the offence of Section 506(ii) of IPC, the threat must be a real one. In this case, the defacto complainant has not claimed that he felt intimidated by the acts of the petitioner herein. I am of the view that utterance of certain words, need not be made the subject matter



of criminal prosecution. Section 95 of IPC is to the effect that trivial matters should be given decent burial and that they should not be made subject matter of prosecution. Section 95 of IPC reads as under :

"Section 95. Act causing slight harm.—Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm."

4.The said provision, can very well be invoked in this case. Therefore, I am of the view that the impugned prosecution deserves to be quashed to secure the ends of justice. Accordingly, it stands quashed. This petition stands allowed. Connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate,
Srivaikundam.
2. The Inspector of Police,
Kurumbur Police Station,
Tuticorin District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.D.SELVANAYAGAM, Advocate (SR-87528[F] dated
18/09/2019)

Cr1 OP(MD)No.22485 of 2014

and

MP(MD)Nos.1 & 2 of 2014

18.09.2019

skm

MK (21.10.2019) 2P 5C