



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

Crl.O.P (MD)No.23388 of 2014

and

M.P. (MD) Nos.1 and 2 of 2014

WEB COPY

Shanmugasundaram

... Petitioner

Vs

V.Rajaboopathy

... Respondent

**PRAYER:** Petition filed under Section 482 Code of Criminal Procedure, to call for the records in pertaining to the complaint in C.C.No.91 of 2014 on the file of the learned Judicial Magistrate, Bodinayakkanur and quash the same to the petitioner alone.

For Petitioner : Mr.M.Solaisamy

For Respondent : Mr.R.Shankar Ganesh

**ORDER**

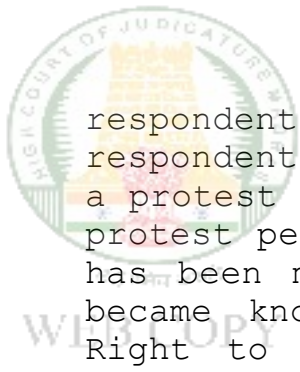
The petitioner has filed this criminal original petition for quashing the proceedings in C.C.No.91 of 2014 on the file of the Judicial Magistrate, Bodinayakkanur.

2. Heard the learned counsel on either side.

3. The respondent herein was having some issues with one Ammu, Eswari and Murugan who also hail from the very same locality. He lodged a complaint against them. The petitioner herein was then working as Inspector of Police, Taluk Police Station, Bodinayakkanur. The petitioner is said to have filed a final report for closing the case as 'Mistake of Fact'. Thereafter, the respondent herein filed the present private complaint, in which, the petitioner was shown as first accused. The Court below took cognizance of the offences under Sections 294 (b) and 506(ii) of IPC only against the petitioner herein.

4. The allegation of the respondent is that the petitioner is said to have abused him and also threatened him.

5. I carefully went through the contents of the complaint. The petitioner had no personal animosity against the respondent. He was after all discharging his official duties as Inspector of Police. Merely because, the petitioner filed MF report. The



respondent cannot assume anything against the petitioner. If the respondent was still aggrieved, it was always open to him to file a protest petition. The complaint on hand cannot be considered as protest petition. In paragraph No.5 of the impugned complaint, it has been mentioned that the details of report of the petitioner became known to the complainant by invoking provisions of the Right to Information Act. Admittedly, the respondent did not suffer any injuries. The only allegation made against the petitioner is that he had uttered certain offending words and threatened him.

6. I am of the view that because the petitioner filed MF report on the complaint given by the respondent/complainant, the impugned complaint has been lodged. The petitioner subsequently became the Deputy Superintendent of Police and also retired from service. The continuation of the impugned proceeding against the petitioner will amount to an abuse of process of law. The impugned proceedings are quashed. The criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar(CS)

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To  
The Judicial Magistrate, Bodinayakkanur.

+1 CC to M/s.R.SHANKAR GANESH, Advocate ( SR-86879[F] dated 16/09/2019 )

+1 CC to M/s.M.SOLAISAMY, Advocate ( SR-86775[F] dated 16/09/2019 )

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