



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

Crl.O.P. (MD) No.7362 of 2014

and

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

P.Selvaraj : Petitioner/Accused No.2

Versus

K.Kalaiarasan : Respondent/Complainant

Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records and quash the proceedings in P.R.C.No.27 of 2013 on the file of the learned Second Additional District Munsif -cum- Judicial Magistrate, Kumbakonam, Thanjavur District as against the petitioner.

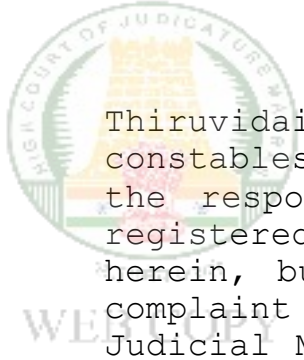
For Petitioner : Mr.A.Thiruvadi Kumar

For Respondent : No Appearance

O R D E R

This petition has been filed to quash the criminal proceedings in P.R.C.No.27 of 2013 on the file of the learned Second Additional District Munsif -cum- Judicial Magistrate, Kumbakonam, Thanjavur District.

2. The petitioner herein is the second accused in P.R.C.No.27 of 2013 and charged with for the offences under Sections 294(b), 323, 324, 506(ii) and 217 of the Indian Penal Code r/w Section 3(1)(x) of SC/ST(POA) Act. At the relevant point of time, he was working as Inspector of Police in Thiruvidaimarudur Police Station, Thanjavur District. The respondent/complainant has filed a private complaint alleging that on 12.11.2012 at about 08.00 p.m., while the respondent/complainant purchasing firecrackers, three police constables attacked him and abused him with filthy language and also criminally intimidated him. Immediately, the respondent, being a Law College student, has approached one Surya, who was working as Sub-Inspector of Police in Thiruvidaimarudur Police Station. But, she has also criminally intimidated him and abused him. Thereafter, the respondent/defacto complainant took treatment at the Government Hospital,



Thiruvaidaimarudur and also gave a complaint against three police constables, but, the same ended in vain. Thereafter, on 21.12.2012, the respondent/defacto complainant has sent a complaint through registered post to the higher officials including the petitioner herein, but, no action has been taken. Hence, he filed a private complaint and the learned Second Additional District Munsif -cum- Judicial Magistrate, Kumbakonam, Thanjavur District, has taken the cognizance of the offence under Sections 294(b), 323, 324, 506(ii) and 217 of the Indian Penal Code r/w Section 3(1)(x) of SC/ST(POA) Act and issued summons to the petitioner. Now, to quash the above private complaint, the present petition has been filed.

3. Insofar as the petitioner is concerned, the only allegation is, even though the respondent/complainant has sent a complaint by registered post to the petitioner, he has not acted upon the complaint and hence, he is also liable to be punished for the offence under Section 217 of the Indian Penal Code.

4. Mr.A.Thiruvadi Kumar, learned counsel appearing for the petitioner submitted that already, the first accused in this case, namely Sub Inspector of Police has filed a petition in Crl.O.P. (MD)No.19054 of 2013 to quash the criminal proceedings in P.R.C.No.27 of 2013 and this Court, by order dated 11.06.2018, quashed the criminal complaint in respect of Accused No.1. The petitioner is the second accused and he is also similarly placed person and the complaint necessarily be quashed against him.

5. Even though notice was served on the respondent and his name was printed in the cause-list, none appeared for him.

6. I have considered the submissions and perused the records carefully.

7. The only allegation against the petitioner is that, he being the Inspector of Police, on receipt of complaint, he is supposed to take action on the complaint, but, he failed to discharge his official duty, and hence, he should be punished for the offence under Section 217 of the Indian Penal Code. But, in the instant case, already the first accused, who is the main accused in the aforesaid crime, has approached this Court and this Court has quashed the complaint against her in Crl.O.P.(MD)No.19054 of 2013. In the above circumstances, considering the fact that the petitioner is only the second accused and he is only charged under Section 217 of the Indian Penal Code and now, the complaint against the main accused, namely the first accused has been set aside, this Court is of the considered view that the private complaint is liable to be quashed as against the petitioner/Accused No.2 also. In such circumstances, I am inclined to quash the complaint.

8. In the result, the criminal proceedings initiated against the petitioner in P.R.C.No.27 of 2013 on the file of the learned Second Additional District Munsif -cum- Judicial



Magistrate, Kumbakonam, Thanjavur District, stands quashed and the Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

WEB COPY

// True Copy //

Sub Assistant Registrar (CS)

To

The Second Additional District Munsif -cum-
Judicial Magistrate, Kumbakonam,
Thanjavur District.

Order made in

Cr1.O.P. (MD) No.7362 of 2014

Dated: **08.07.2019**

ma (CO)

TR (24.07.2019) 3P 2C