



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.6530 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

- 1.Mohideen Farook
- 2.Bilal
- 3.M.A.K.Peer @ Peer Mohammed
- 4.M.A.K.Abdul Hameed @ Nazir
- 5.Mohammed Durai @ Duraippa
- 6.Nawab Serif
- 7.Sahul @ Koli Sahul @ Sahul Hameed
- 8.Diwan Maideen @ Diwan Sallil
- 9.Dhahir @ Nasama Dhahir
- 10.Abdul Maseed
- 11.Asrab Ali
- 12.Kadhar Mohideen @ Karuppatti Kadhar
- 13.Mohammed Aliyar @ Aliyar
- 14.Syed Raja
- 15.Shek Mohideen
- 16.Shali @ Mohammed Shali ... Petitioners/Accused 1 to 16

Vs

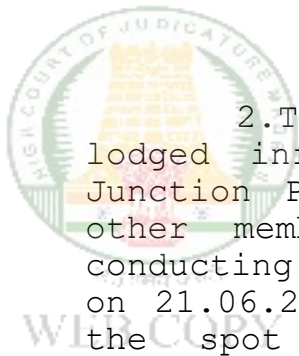
1. The State rep. by
Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City. ... 1st Respondent/Complainant
2. Abdul Wahith ... 2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in S.T.C.No.642 of 2014 on the file of the learned Judicial Magistrate No.IV, Tirunelveli District and quash the same.

For Petitioners : Mr.D.Selvanayagam
For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

The petitioners are facing trial in S.T.C.No.642 of 2014, on the file of the Judicial Magistrate No.IV, Tirunelveli, for the offences under Sections 147 and 294(b) of IPC.



2.The second respondent is the defacto complainant. He lodged information before the Inspector of Police, Tirunelveli Junction Police Station on 15.07.2014 alleging that when he and other members of the Tamilnadu Muslim Muneerta Kalagam were conducting the meeting opposite to the Tirunelveli Railway Junction on 21.06.2014 at about 11.00 a.m., the petitioners herein came to the spot and grabbed the mike and used filthy language. Investigation was taken up and final report was filed and cognizance of the offences were taken. The case was taken on file as S.T.C.No.642 of 2014. To quash the same, this criminal original petition has been filed.

3.When the matter was taken up for hearing, this Court called upon the petitioners to serve notice on the defacto complainant. It appears that the defacto complainant is now working in Soudi Arabia. On going through the statements recorded under Section 161 of Cr.P.C., it is seen that there has been an exchange of words between the petitioners on the one hand and the group held by the defacto complainant. It is not as if there was any physical scuffle or causing of injuries. I am of the view that such a petty quarrel need not metamorphose into criminal prosecution. This is a case, in which, Section 95 of IPC deserves to be invoked.

4.Section 95 of IPC reads as under:-

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."

5. Applying the same, the impugned prosecution stands quashed. This criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.IV,
Tirunelveli District.
2. The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City.



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

+1 CC to Mr.D.SELVANAYAGAM, Advocate (SR-92294[F] dated
16/10/2019)

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