



WEB COPY

CRL.O.P.(MD).No.20169 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2019

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P. (MD) .No.20169 of 2018

and

CRL.M.P. (MD)No.9313 of 2018

N.Durgaprasath

... Petitioner/Accused No.1

Vs.

1.The Inspector of Police,
Thilai Nagar Police Station,
Thilai Nagar,
Tiruchirappalli - 620 018.

:1st Respondent/Complainant

2.V.Muthukumar

:2nd Respondent/ Defacto Complainant

3.The Commissioner of Police,
Trichy.

4.The Superintendent of Police,
Trichy. (Rural)

:Respondents

(R3 and R4 suo motu impleaded as per order
of this Court made in Crl.O.P(MD)No.20169 of 2018,
dated 01.03.2019.)

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records culminated in the final report filed in C.C.No.256 of 2018, on the file of the Judicial Magistrate No.IV, Tiruchirappalli and to quash the same as illegal as against the petitioner.

For Petitioner : Mr.Shangar Murali

For R1, R3 and R4 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

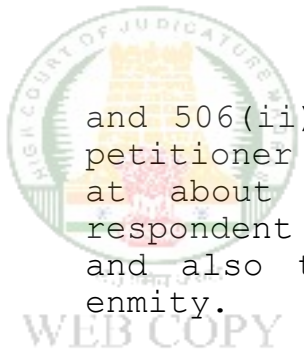
For R2 : Mr.S.Rama Krishnan

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.256 of 2018, pending on the file of the learned Judicial Magistrate No.IV, Tiruchirappalli. Thereby having been taken cognizance for the offence under Sections 341, 294(b) and 506(ii) of IPC.

2.The learned counsel for the petitioner submitted that on the complaint lodged by the second respondent a case has been registered in Crime No.69 of 2018 for the offence under Sections 341, 294(b)

<https://hcservices.ecourts.gov.in/hcservices/>



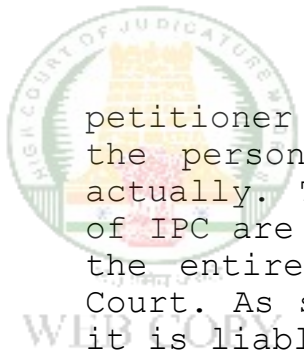
and 506(ii) of IPC, as against three accused persons, in which the petitioner is arrayed as A1. The allegations are that on 05.02.2018, at about 09.00p.m, the accused persons restrained the second respondent and abused the defacto complainant with filthy language and also threatened him with dire consequences, due to previous enmity.

3.The learned counsel for the petitioner also submitted that false case has been foisted as against the petitioner with malafide intention. There was no such occurrence took place as alleged by the second respondent. Since the second respondent himself fixed C.C.TV in front of his office, no C.C.TV footage was thereto prove his complaint. Since the second respondent is an advocate, the first respondent without even verifying the allegations straightaway registered the case as against the petitioner and others. Therefore, he sought for quashment of the entire proceedings.

4.Per contra, the learned Government Advocate (Criminal Side) submitted that on the complaint lodged by the second respondent the case has been registered in Crime No. 69 of 2018 for the offence under Sections 341, 294(b) and 506(ii) of IPC, as against three accused persons, in which the petitioner is arrayed as A1. After completion of investigation, the first respondent filed a final report and the same taken cognizance in C.C.No.256 of 2018, by the learned Judicial Magistrate No.IV, Tiruchirappalli. Therefore, the points raised by the petitioner cannot be considered at this stage under Section 482 of Cr.P.C and it has to be considered only before the trial Court during the trial.

5.Heard Mr.Shangar Murali, learned counsel for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Criminal Side) for official respondents and Mr.S.Rama Krishnan, learned counsel for the second respondent.

6.The second respondent is an advocate, who lodged the complaint alleging that the petitioner and two others restrained him and abused him with filthy language and also threatened him with dire consequences. The entire allegations are very trivial in nature and on perusal of the statements recorded under Section 161(3) of Cr.P.C, no specific averments to attract the offence as alleged by the prosecution. That apart this Court directed the respondents 3 and 4 to file a status report as to the number of cases, which the second respondent herein has instituted against the innocent persons. Since there is specific allegation as against the second respondent that he has habit of blackmailing innocent purchasers and foisted the false case against them. Sections 294(b) and 506(ii) IPC are concerned, the statements do not contain any obscene words, which were uttered by the petitioner herein and the entire allegations are very simple in nature. There was a threatening only by words to attract the offence under Section 506(ii) IPC. The



petitioner uttering does not exactly mean what he says and also when the person to whom threat is launched does not feel threatened actually. Therefore, the offences under Sections 294(b) and 506(i) of IPC are not made out as against the petitioner herein. Therefore, the entire criminal proceedings is clear an abuse of process of Court. As such it cannot be sustained as against the petitioner and it is liable to be dismissed.

7. Accordingly, this Criminal Original Petition is allowed and the charge sheet in C.C.No.256 of 2018, on the file of the learned Judicial Magistrate No.IV, Tiruchirappalli is quashed. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

das

To

- 1.The Judicial Magistrate No.IV, Tiruchirappalli.
 - 2.The Chief Judicial Magistrate, Trichy.
 - 3.The Inspector of Police, Thilai Nagar Police Station,
Thilai Nagar, Tiruchirappalli - 620 018.
 - 4.The Commissioner of Police, Trichy.
 - 5.The Superintendent of Police, Trichy. (Rural)
 - 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to Mr.K.S.SANKAR MURALI, Advocate SR-91485.

CRL.O.P. (MD) .No.20169 of 2018
and
CRL.M.P. (MD) No.9313 of 2018
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