



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.15538 of 2018

and

Crl.M.P(MD)Nos.6865 and 6866 of 2018

1.Chirshtopher

2.Sebastin

...Petitioners/Accused Nos.1 & 2

Vs.

1.The State rep. by its
Inspector of Police,
V.K.Pudur Police Station,
Tirunelveli District.
(Cr.No.138 of 2018)

...1st Respondent/Complainant

2.Soundarapandian

...2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records of the case in S.T.C.No.1234 of 2018 pending on the file of Judicial Magistrate, Alangulam, Tirunelveli District and quash the same.

For Petitioners : Mr.S.Veeranasamy

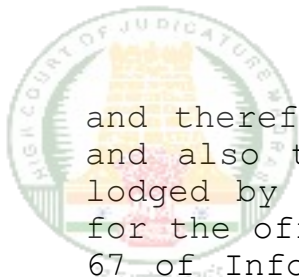
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.Side)

For R2 : Mr.K.Sami Durai

O R D E R

This petition has been filed to quash the proceedings in S.T.C.No.1234 of 2018 pending on the file of the learned Judicial Magistrate, Alangulam, Tirunelveli District as against the petitioners.

2. The learned counsel for the petitioners would submit that the second respondent lodged a complaint alleging that he is a head of C.S.I. Church. On 07.03.2018, when he along with his friend were sitting in their house, the petitioners called him over phone and questioned about the removal of one Ranjith and Jebas from the songs group in the Church. But, the de facto complainant refused the same



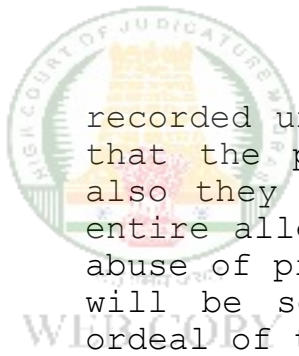
and therefore, the accused persons abused the de facto complainant and also threatened him over phone. Therefore, on the complaint lodged by him, a case has been registered in Crime No.138 of 2018 for the offences under Sections 294(b), 506(ii) of IPC., and Section 67 of Information Technology Act 2000. He further submitted that after conducting enquiry the first respondent filed a final report for the offence under Section 294(b) of IPC., alone and the same has been taken cognizance. He further submitted that no one has spoken about the alleged occurrence as if took place on 07.03.2018. All the witnesses have spoken that they did not lodge such kind of complaint and the petitioners also never scolded him in filthy language and never threatened him with dire consequences. Considering the statement that the first respondent mechanically filed a final report and the same has been taken cognizance for the offence under Section 294(b) of IPC. Therefore, he prays for quashing the entire proceedings.

3. The learned counsel for the second respondent submitted that on 07.03.2018 the petitioners called the de-facto complainant over phone and abused him with filthy language and he was threatened him with dire consequences. Therefore, the first respondent rightly registered the case in Crime No.138 of 2018 for the offence under Sections 294(b), 506(ii) of IPC., and Section 67 of Information Technology Act 2000. Unfortunately, the first respondent has left the other offences and filed a final report only for the charge under Section 294(b) of IPC. He further submitted that though the witnesses have categorically stated in the statement, the first respondent stereo typically recorded the statement as if no threat was caused by the accused and they did not abuse him with filthy language.

4. The learned Government Advocate (Crl.side) appearing for the first respondent would submit that on the complaint lodged by the second respondent the case has been registered in Crime No.138 of 2018 for the offences under Sections 294(b), 506(ii) of IPC., and Section 67 of Information Technology Act 2000. After conducting investigation the first respondent filed a final report for the offences under Section 294(b) of IPC. The points raised by the petitioners could be raised during the trial. Therefore, he prays for dismissal of this petition.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the first respondent and the learned counsel appearing for the second respondent.

6. On the complaint lodged by the second respondent, the case has been registered in Crime No.138 of 2018 for the offences under Sections 294(b), 506(ii) of IPC., and Section 67 of Information Technology Act 2000. After completion of investigation, the first respondent filed a final report for the charge under Section 294(b) of IPC. against the petitioners. It is seen from the statements



recorded under Section 161(3) Cr.P.C. all the witnesses have stated that the petitioners have not abused the defacto complainant and also they never threatened him with dire consequences. Further the entire allegations were trivial in nature. It is nothing but clear abuse of process of law. Even if the trial is conducted, no purpose will be served. Therefore, the petitioners need not undergo the ordeal of trial.

7. In view of the above discussions, the Criminal Original Petition is allowed and the proceedings in S.T.C.No.1234 of 2018, on the file of the learned Judicial Magistrate, Alangulam, Tirunelveli District is hereby quashed as against the petitioners. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

vsd

To

- 1.The Judicial Magistrate, Alangulam,
Tirunelveli District.
- 2.The Inspector of Police,
V.K.Pudur Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-89274[F] dated 25/09/2019)

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and

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JMN(21.10.2019) 3P : 5C