



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

Crl.O.P (MD) No.4020 of 2020

1.Madasamy
2.Thangapandi
3.Boologapandi
4.Manikandan

... Petitioners/Accused 1 to 4

Vs

1.The State,
Rep. by the Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
(Crime No.92/2016)

... 1st Respondent/Complainant

2.V.Nagamanikumar

... 2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in pursuant to the FIR in Crime No.92 of 2016, dated 04.04.2016 pending on the file of the first respondent police and quash the same.

For Petitioners : Mr.G.Thalaimutharasu

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

For R2 : Mr.R.Amarnath

ORDER

Heard the learned counsel on either side.

2.The impugned FIR was registered on 04.04.2016 against the petitioners herein for the offences under Sections 294(b), 323, 448 and 506(ii) of IPC and Section 3 of TNNPPDL Act.

3.Even though almost four years have gone by, no final report has been filed. I went through the allegations set out in the FIR. The accused are said to have abused the defacto complainant. The defacto complainant has been running a studio and also working as a reporter in TV Channel. It appears that due to a petty quarrel, the occurrence in question had taken place. The defacto



complainant has given an exaggerated complaint by embellishing certain facts. Even according to the complainant, he was treated as an outpatient.

4.I am of the view that it is a fit case, in which, Section 95 of IPC can be invoked. Section 95 of IPC reads as follows:-

"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.If a petty occurrence is given a criminal colour and the prosecution is initiated on that basis, the system will collapse. That is why, Section 95 of IPC was incorporated into the Indian Penal Code. This is a fit case for applying the said provision. Since no final report has been filed, even though almost four years have elapsed, I am of the view that keeping the FIR alive is not going to serve any purpose. Therefore, in this view of the matter, the impugned FIR stands quashed. This Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

To

1.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.

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

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-10074[F] dated 04/03/2020)

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JMN(13.03.2020) 2P : 4C