



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Date : 20.02.2020

PRESENT

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

CRL OP(MD). No.10040 of 2016

and

Crl.M.P. (MD) . Nos.5020 and 5021 of 2016

K.Rajendiran

... Petitioner/Accused

Vs.

1.The Inspector of Police,
Peraiyur Police Station,
Madurai District.

(Crime No.22 of 2014). ... 1st Respondent/ Complainant

2.S.K.Sooryaraj

... 2nd Respondent/Defacto Complainant

PRAYER :- Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the charge sheet in S.T.C.No.150 of 2015 on the file of the District Munsif Cum Judicial Magistrate, Peraiyur and quash the as illegal.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.A.Robinson,

Government Advocate (Crl.Side) for R-1

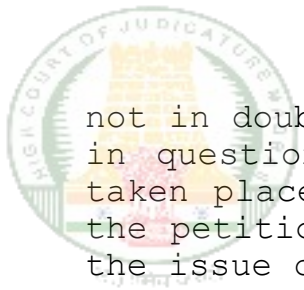
Mr.S.Sadeskumar for R2

ORDER

This criminal original petition has been filed for quashing STC No.150 of 2015 on the file of the District Munsif cum Judicial Magistrate, Peraiyur. The second respondent is the defacto complainant. His specific allegation is that on 27.01.2014, the petitioner herein abused him in filthy language. Hence, Crime No.22 of 2014 was registered on the file of the Inspector of Police, Peraiyur Police Station. It was investigated and final report was filed. Cognizance of the offence under Section 294(b) was taken in STC No.150 of 2015 on the file of the District Munsif cum Judicial Magistrate, Peraiyur.

2.The learned counsel appearing for the petitioner would allege that the charge sheet is not in consonance with what was stated in the FIR. The FIR in Crime No.22 of 2014 lacks the essential ingredients of the offence in question.

3.I am unable to agree with the submission of the learned counsel for the petitioner. In the FIR itself, it has been clearly mentioned that the petitioner used certain abusive words. It is



not in doubt that the petitioner has actually committed the offence in question. This is because the utterances of the words had taken place in a public place. Even though the acts committed by the petitioner amounts to an abuse under law, I am of the view that the issue can be given a quietus.

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4.The learned counsel for the petitioner states that the petitioner will file an affidavit in which he will express his regret for the occurrence and also convey unconditional apology to the defacto complainant. The affidavit will be in two sets. One set will be filed before the Registry and the other will be handed over to the defacto complainant through the respondent police. The affidavit shall contain specific undertaking that the petitioner will not indulge in such acts in future. It is made clear that if this undertaking is breached, it will be open to the defacto complainant to move this Court for punishing the petitioner for contempt of court. Warning the petitioner to be careful in future and even though the acts committed by him do constitute an offence under law, invoking Section 95 of IPC, I quash the impugned proceedings.

5.The criminal original petition stands allowed by recording the undertaking of the petitioner. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

Skm

To:

1.The District Minsif Court Cum
Judicial Magistrate, Peraiyur.

2.The Inspector of Police,
Peraiyur Police Station,
Madurai District.

+1 CC to MR.T.VADIVELAN, Advocate (SR-7882[F] dated 24/02/2020)

ORDER IN
CRL OP(MD) No.10040 of 2016
Date : 20.02.2020