



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Orders Reserved on	20.08.2020
Orders Pronounced on	27.08.2020

WEB COPY

CORAM:**THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN**

CrI.O.P.[MD]No.14943 of 2018
and
CRL MP (MD) Nos.6613 & 6614 of 2018

Vijayalakshmi ... Petitioner / Sole Accused
Vs.

1.The State Represented by
The Inspector of Police,
Pulivalam Police Station,
Tiruchirappalli District. ... 1st Respondent / Complainant
(Crime No.228 of 2017)

2.Mohamed Bilal ... 2nd Respondent /
Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.46 of 2018, on the file of the learned Judicial Magistrate, Thuraiyur, Tiruchirappalli District and quash the charge sheet as against the petitioner herein.

For Petitioner : Mr.A.Thiruvadi Kumar
For Respondent-1 : Mr.APG.OHM.Chairma Prabhu
Govt.Advocate

For Respondent-2 : Mr.M.Jegadeesh Pandian

O R D E R

This Criminal Original Petition has been filed to quash the charge sheet filed in C.C.No.46 of 2018, on the file of the learned Judicial Magistrate, Thuraiyur, Tiruchirappalli District.

2. The case of the petitioner before the trial Court is that out of the animosity and grudge as against the petitioner, the defacto complainant herein lodged a false complaint before the first respondent police and thereafter, a case has been registered for the offence under Sections 341, 294(b) and 506(i) of IPC., and after completing the investigation, charge sheet has also been filed for the above said offences.

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Section 294(b) of IPC., which reads as follows:-

"294(b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both. "

of Investigation Vs. K.M. Sharan reported in (2008 (2) SCC (Cri) 430)



in paragraph No.25 it has been held as follows:-

"25. This court in Janata Dal v. H. S. Chowdhary & Ors. (1992) 4 SCC 305 observed thus:

"132. The criminal courts are clothed with inherent power to make such orders as may be necessary for the ends of justice. Such power though unrestricted and undefined should not be capriciously or arbitrarily exercised, but should be exercised in appropriate cases, ex debito justitiae to do real and substantial justice for the administration of which alone the courts exist. The powers possessed by the High Court under section 482 of the Code are very wide and the very plentitude of the power requires great caution in its exercise. Courts must be careful to see that its decision in exercise of this power is based on sound principles."

6. Therefore, applying the principles set out by our Hon'ble Apex Court in the case in our hand, as already observed, the averments set out in the FIR do not constitute any offence as alleged in the charge sheet. Therefore, I am of the considered view that the proceedings initiated against the petitioner in C.C.No.46 of 2018, on the file of the learned Judicial Magistrate, Thuraiyur, Tiruchirappalli District, is liable to be quashed.

7. In the result, this Criminal Original Petition is allowed and the proceedings initiated against the petitioner in C.C.No.46 of 2018, on the file of the learned Judicial Magistrate, Thuraiyur, Tiruchirappalli District, is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Judicial Magistrate,
Thuraiyur,
Tiruchirappalli District.

2.The Inspector of Police,
Pulivalam Police Station,
Tiruchirappalli District.

Copy to:-The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A. THIRUVADIKUMAR, Advocate (SR-15330[F] dated
31/08/2020)

**Pre-Delivery Order made in
Crl.O.P. [MD]No.14943 of 2018
27.08.2020**

AP(07/09/2020) 4P 5C