



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

Date : 05.03.2020

PRESENT

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

Crl.O.P(MD).No.18876 of 2019 and
Crl.M.P(MD).Nos.11069 and 11070 of 2019

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... Petitioner/Sole Accused

Vs

1. State rep., by its
Sub Inspector of Police,
Vangal Police Station,
Karur District.
(in Crime No.99 of 2018)

... 1st Respondent/Complainant

2. Rahuman

... 2nd Respondent/Defacto Complainant

PRAYER : Petition is filed under Section 482 of Cr.P.C to call for the records in pursuant to charge sheet in STC.No.758 of 2018 on the file of the Judicial Magistrate No.II, Karur dated 18.07.2018 in Crime No.99 of 2018 on the file of the Inspector of Police, Vangal Police Station, Karur District and quash the same.

For Petitioner

: Mr.S.Gokul Raj

For Respondent

: Mr.A.Robinson

Government Advocate (Crl.side) (for R1)

ORDER

This original petition has been filed for quashing the impugned proceedings in STC No.758 of 2018 on the file of the Judicial Magistrate No.II, Karur. The defacto complainant is the second respondent herein, who was working as Sub-Inspector of Police in Vangal Police Station in Karur District.

2.The case of the defacto complainant is that on 01.05.2018 at about 10.00 pm., during a cultural programme, the petitioner herein was standing in a public place and in the presence of women folk, was using filthy language. The respondent Police registered Crime No.99 of 2018 on the file of the Vangal Police Station for the offence under Section 294(b) of IPC. The case was investigated and final report was filed by the very same Officer before the learned Jurisdictional Magistrate. Cognizance of the offence under Section 294(b) taken and summon was issued to the petitioner herein.



Challenging the impugned proceedings, this original petition has been filed.

3.Heard the learned counsel on either side.

4.The petitioner's counsel submitted that the petitioner is working as a Clerk in Alahabad Nationalized Bank, Namakkal Branch. He appears to be a local activist. He had given a complaint on 06.08.2017 to the Chief Minister Special Cell, Tamil Nadu, alleging groundwater exploitation. He also sent a subsequent complaint on 04.10.2017 and again on 03.11.2017. The petitioner's counsel would allege that since the petitioner is espousing certain local civic and environmental issues, in order to discourage him, the impugned prosecution has been launched against him.

5.There appears to be some substance in this contention. More than anything else, no complaint has been received from any member of the general public. The second respondent herein is the informant. He is the registrant of the FIR. He had also investigated and file a final report. Therefore, the prejudice to the petitioner is quite obvious and apparent. There has been a grave violation of the elementary principles of natural justice. In this view of the matter, I am inclined to quash the impugned proceedings. Accordingly, the impugned proceedings in STC No.758 of 2018 on the file of the learned Judicial Magistrate No.II, Karur, dated 18.07.2018 stands quashed. This Criminal Original Petition allowed accordingly. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.II, Karur.
2. The Sub Inspector of Police,
Vangal Police Station,
Karur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.GOKUL RAJ, Advocate (SR-10384[F] dated 06/03/2020)

RMK

TE : 18/03/2020 : 2P/5C

ORDER IN
Crl.O.P(MD) .No.18876 of 2019
05.03.2020