

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.473 of 2017
and
Crl.MP.Nos.347 & 348 of 2017

Fowzunnissa

...Petitioner

.Vs.

1. The Inspector of Police,
G-1 Town West Police Station,
Uthgamandalam,
Nilgiris District.

2. Ms.Praveena
The Sub Inspector of Police,
G-1 Town West Police Station,
Uthgamandalam,
Nilgiris District.

3. C.Parthiban

4. Prathap

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records comprised, in STC No.2850 of 2016, on the file of the Judicial Magistrate Court Uthagamandalam to quash the same.

For Petitioner : Mr.S.Mohamed Habeeb Raja

For Respondents: Mr.C.Raghavan
Government Advocate for R 1

No Appearance for R 2 to R 4

O R D E R

This criminal original petition has been filed seeking to quash the proceedings in STC No.2850 of 2016, on the file of the Judicial Magistrate Court, Uthagamandalam.

2.The 3rd respondent gave a complaint before the respondent police against the petitioner and the same resulted in registration of an FIR in Crime No.258 of 2016, for an offense under Section 294(b) and 506(i) IPC. On completion of the investigation, a final report was also filed before the Court below and the same has been taken on file in STC No.2850 of 2016, for an offense under Section 294 (b) IPC against the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner was abused and attacked by the 3rd and 4th respondents and she sustained injuries and she gave a complaint against them based on which, an FIR came to be registered in Crime No.257 of 2016, for an offense under Section 294(b) and 323 of IPC. As a counter blast, a false complaint came to be given against the petitioner by the 3rd respondent and without any application of mind, an FIR was registered by the respondent police. The learned counsel submitted that instead of taking action against the 3rd and 4th respondents, the respondent police have filed a final report against the petitioner for an offense under section 294(b) of IPC. The learned counsel submitted that the proceedings before the court below is an abuse of process of court which requires the interference of this court.

4. Heard Mr.C.Raghavan, learned Government Advocate appearing on behalf of respondents 1 and 2. The 3rd and 4th respondents have been served notice and their names have also been printed in the cause list and they did not appear either in person or through counsel.

5. There is a property dispute between the petitioner and the 3rd respondent. The complaint given by the 3rd respondent is that the petitioner abused the 3rd respondent and has given a false complaint against him. There is absolutely no material to substantiate the offense under section 294(b) of IPC. To constitute an offense under Section 294(b) IPC, the petitioner should have abused the 3rd respondent in or near any public place and caused annoyance to the 3rd respondent. There is nothing to show that the incident took place in a public place. That apart, it is seen that the subsequent complaint given by the 3rd respondent is only a counter blast to the earlier complaint given by the petitioner.

6. In the considered view of this Court, the continuation of the proceedings against the petitioner is an abuse of process of court and the same requires the interference of this court. Accordingly, the proceedings in STC No.2850 of 2016, on the file of the Judicial Magistrate Court,

Uthagamandalam, is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

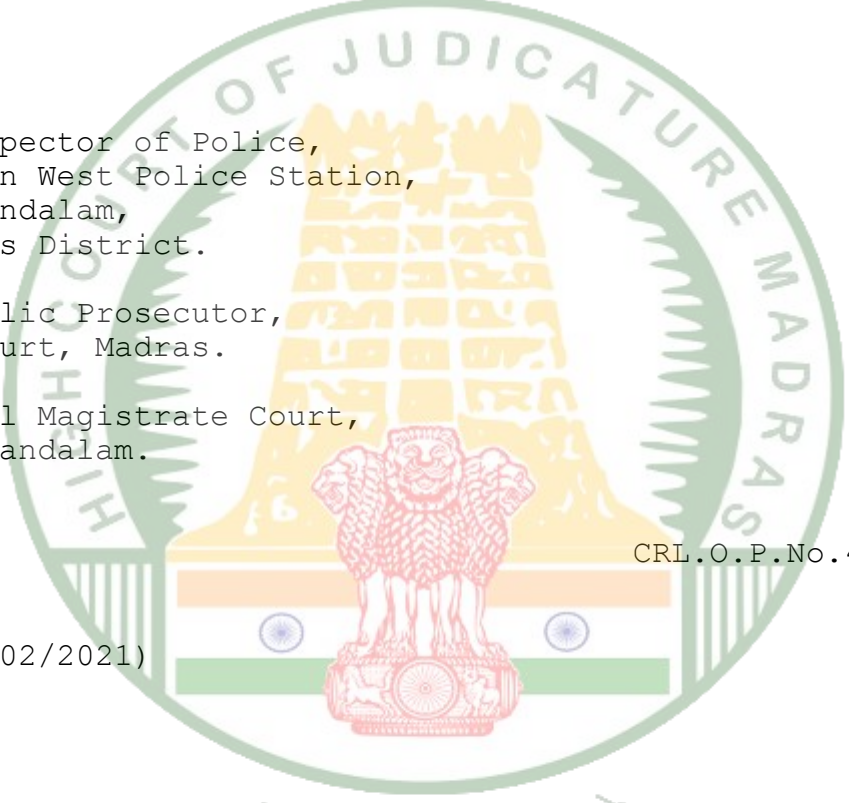
Sub Assistant Registrar

To

1. The Inspector of Police,
G-1 Town West Police Station,
Uthagamandalam,
Nilgiris District.
2. The Public Prosecutor,
High Court, Madras.
3. Judicial Magistrate Court,
Uthagamandalam.

CRL.O.P.No.473 of 2017

nrl (co)
rr ii (03/02/2021)



सत्यमेव जयते

WEB COPY