



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl O.P. (MD)No. 8384 of 2021

WEB COPY

1.K.Naganatha Sethupathy

2.B.Rajadurai

... Petitioners 1 & 2/

Accused 1 to 2

Vs.

1.The State represented by
The Inspector of Police,
B2 Bazaar Town Police Station,
Ramanathapuram District.
(Crime No.164 of 2021)

... 1st Respondent/
Complainant

2.Prasanth

... 2nd Respondent/
Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the proceedings of FIR in Crime No.164 of 2021 dated 09.04.2021 and quash the same.

For Petitioners : Mr.R.Venkatesan
for Right Law Associates
For Respondents : Mr.A.Albert James
Government Advocate
(Criminal Side)for R1

ORDER

This Criminal Original Petition has been filed to quash the impugned FIR in Crime.No.164 of 2021 registered on the file of the B2 Bazaar Town Police Station, Ramanathapuram.

2. The case has been registered for the offences under Sections 294(b), 323, 353 IPC. The defacto complainant Prasanth is present in person and he has been identified by M.Kala attached to Bazaar Police Station, Ramanathapuram. The case of the prosecution is that the defacto complainant went to the house of the petitioners for effecting disconnection of electricity supply on the ground that the consumption charges have not been paid. The defacto complainant abused him and also prevented him from discharging his public duties. The defacto complainant does not

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not compoundable. It is seen that the first petitioner Thiru.K.Naganatha Sethupathi was called upon to execute security bond under Section 107 Cr.P.C earlier. Though the petitioners' counsel informs the Court that the consumption charges were paid by the petitioners before a private online agent for remittance, it appears that TANGEDCO was in receipt of the payment only next day at 10.00 am. In the meanwhile, the second respondent had come for effecting disconnection. On account of this misunderstanding, the occurrence had taken place. I am satisfied that the petitioners had acted in a *bonafide* manner and they had no real intention to prevent a public servant from discharging his official duties. In fact, liquidation of liability by the petitioners is also confirmed by the second respondent. In view of the stand taken by the second respondent, the impugned FIR is quashed. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga/csm

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 Inspector of Police,
B2 Bazaar Town Police Station,
Ramanathapuram District.

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

+1 CC to M/s.R.Venkatesan, Advocate for RIGHT LAW ASSOCIATES, (SR-37174[F] dated 03/12/2021)

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VR(CO)

SP(17-12-2021)-2P 4C
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