



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE ON WHICH RESERVED : 23.06.2021

DATE ON WHICH PRONOUNCED : 07.07.2021

WEB COPY

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.8134 of 2021

in

Crl.MP(MD)No.4193 of 2021

- 1.Murugajegan
- 2.Madhavan
- 3.Ramesh
- 4.Siva Ramalingam
- 5.Sivalinga Perumal
- 6.Satheesh Sivan

... Petitioners/Accused Nos.1to 6
Vs.

- 1.The State rep by
The Inspector of Police,
Kottar Police Station,
Kottar,
Kanyakumari District.
(Crime No.269 of 2021)

... 1st Respondent/Complainant

- 2.Siva Krishnan

... 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the First Information Report in Crime No.269 of 20211 on the file of the Inspector of Police, Kottar Police Station, Kottar, Kanyakumari District.

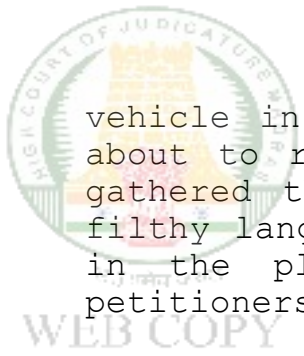
For Petitioners : Mr.S.Palanivelayutham
For R1 : Mr.R.M.Anbu Nithi,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition is filed to quash the First Information Report in Crime No.269 of 20211 on the file of the Inspector of Police, Kottar Police Station, Kottar, Kanyakumari District.

2.The case of the prosecution:-

The second respondent has given a complaint, who is the defacto complainant with the following allegations. On 15.05.2021, he went to the temple in the morning by his two wheeler and he parked the



vehicle in front of the temple. At about 9.15 hours, when he was about to return to his house in his two wheeler, the petitioners gathered there and picked up quarrel with him and abused him in filthy language. The supporters of the defacto complainant gathered in the place of occurrence. The accused person, who is the petitioners herein went away from the place.

3. Based on the complaint given by the second respondent, a case in Crime No.269 of 2021, for the offences punishable under Sections 147, 341, 294 (b) and 506 (2) of IPC was registered by the first respondent.

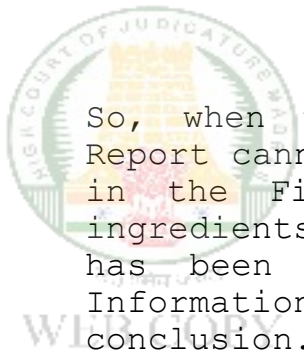
4. Seeking quashment of the criminal case, this petition is filed on the ground that none of the allegation mentioned in the First Information Report attract any of the ingredients of the offence as against the petitioners. There was a dispute with regard to the management of the temple by the second respondent. He has misappropriated huge money from the temple. That was questioned by the petitioners. Due to the previous enmity, this complaint has been registered. There is a delay in lodging the First Information Report. There is a complaint against the second respondent with regard to the nonpayment of chit amount to the subscribers, in which, the petitioners are not involved.

5. Heard both sides.

6. The ground on which, this petition is filed is that there was a dispute with regard to the administration of the temple. To wreak vengeance, the complaint has been given by the second respondent. So, whether the complaint is given due to vengeance cannot be a matter for discussion or consideration. It is got to be decided only during the course of trial and investigation. *Prima facie* shows that some occurrence took place on 18.05.2021. The arguments that Section 147 will not attract since the petitioner and others did not gather for the purpose of making rioting cannot be a ground for consideration at this stage.

7. Reading of the First Information Report shows that the accused persons prevented the defacto complainant from taking his two wheeler. So, the allegation is attracted for the offence under Section 341 IPC. Similarly, there is specific allegation to the effect that the defacto complainant was abused in filthy language by the accused persons in the public place. So, the contention that the offence under Section 294 (b) IPC is not attracted, cannot be accepted at this stage.

8. More over, it is seen that a specific allegation with regard to the criminal intimidation. It is also in the allegation to the effect that the first accused namely, Murugajegan with aruval and the accused Madhavan with Iron rod wrongfully restrained him and with the weapons and he escaped from that attempt.



So, when there is a specific allegation, the First Information Report cannot be quashed on the ground that the allegation mentioned in the First Information Report does not attract any of the ingredients of the offences that have been alleged. So, no ground has been made out by the petitioner for quashing the First Information Report. It got to be proceeded to its logical conclusion.

9. In the result, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

10. The petitioners are directed to work out their defence only in the course of trial, if investigation completed, charge sheet is laid.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

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,
Kottar Police Station,
Kottar,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.8134 of 2021
in

Crl.MP (MD)No.4193 of 2021
07.07.2021

PK(CO)
LR(10.08.2021) 3P 3C