



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.17646 of 2021

and

Crl.M.P. (MD) .No.9602 of 2021

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... Petitioner/Accused No.2

Vs.

1.The State, represented by its,
The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
(Crime No.265 of 2021)

...1st Respondent/Complainant

2.Kannan

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records in relating to the impugned FIR in Crime No.265 of 2021 on the file of the first respondent police and its consequential proceedings and quash the same insofar as the petitioner is concerned.

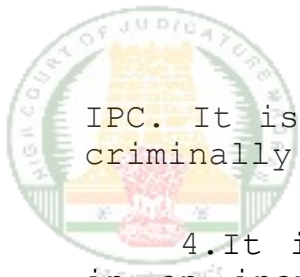
For Petitioner	:	Mr.S.Vidhya Sagar
For R1	:	Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor
For R2	:	No Appearance

ORDER

This Criminal Original Petition has been filed to quash the impugned FIR registered for the offences under Section 294 (b) and 506(i) IPC.

2.The complaint was given by the second respondent, namely, Kannan. Though he has been served and his name is printed in the cause list, he has not chosen to enter appearance. The petitioner is the defacto complainant in Crime No.36 of 2018 registered for the offences under Section 341, 294(b), 323,324 and 506(2) IPC. A1 in the said case is none other than the elder brother of the defacto complainant herein.

3.The learned Counsel for the petitioner contends that the present FIR has been lodged keeping in mind the old rivalries. I went through the contents of the impugned FIR. All that is alleged is that the three accused persons in drunken condition shouted at the people in general by using abusive expressions. By no imagination, it will constitute offence under Section 506 (1) of



IPC. It is not known as to how the defacto complainant herein felt criminally intimidated.

4.It is common to notice people in drunken condition behaving in an inappropriate manner and uttering abusive expressions. The normal response will be to ignore it. Section 95 IPC, is as follows:

Act causing slight harm. - Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

5.By invoking the said provision, I hold that the registration of the impugned FIR is not warranted. The FIR stands quashed. This Criminal Original Petition is allowed. Consequently, the Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
Pazhavor Police Station,
Tirunelveli District.
(Crime No.265 of 2021)

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

+1 CC to M/s.S.VIDHYASAGAR, Advocate (SR-39572[F] dated
20/12/2021)

Crl.O.P. (MD)No.17646 of 2021

17.12.2021