



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.10532 of 2018
and Crl.M.P.No. 5406 of 2018

K.M.Shahul Hameed

...Petitioner

Versus

1.The Inspector of Police,
D-1, Triplicane Police Station,
Triplicane, Chennai-600 002.

2.Y.Mohamed

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the FIR in crime No.88 of 2018 registered on 13.02.2018 pending on the file of the first respondent police for the offences punishable under Sections 294(b), 419, 420 and 506(1) of IPC.

For Petitioners	:	Mr.K.M.Shahul Hameed Party in person
For Respondents	:	Mr.R.Kishore Kumar for R1 Government Advocate(Crl.side) R2- No appearance

O R D E R

This Criminal Original Petition has been filed to call for the records and quash the FIR in crime No.88 of 2018 registered on 13.02.2018 pending on the file of the first respondent police for the offences punishable under Sections 294(b), 419, 420 and 506(1) of IPC.

2. Heard Mr. K.M.Shahul Hameed, the petitioner (party-in-person) and the learned Government Advocate (Crl. Side) for the first respondent.

3. The crux of the allegations in the FIR is that the defacto complainant is the Secretary of Pudur Muslim Welfare Society. While being so, the Wakf Board appointed the defacto complainant as President on 13.02.2014 for managing the trust. Due to that, the accused spread false allegations against the defacto complainant through social media and stated himself as Muthawalli and collected funds from innocent people to misuse the fund of the Wakf Board for his own benefits.



4. Per Contra, Mr.K.M.Shahul Hammed submitted that, on 11.11.2017 at about 7 pm, he was seriously attacked by the defacto complainant and others. Subsequently, an FIR has been registered for the offences under Sections 294(b), 419, 420, 506(1) of IPC. He further submitted that the above investigation has not been conducted properly, only in order to prevent any action against the defacto complainant, the present complaint has been filed with false allegations and any such allegation were pressed into service only in order to file a criminal case. Hence, prayed to quash the proceedings.

5. At the outset, it is well settled that when the materials unearthed by the prosecution agency shows that there are prima facie materials to proceed against accused, this Court cannot exercise its power under Section 482 of Cr.P.C to interfere with the final report and at the same time, when the entire materials unearthed by the prosecution taken on its face value do not constitute any offence and still forcing the party to face the ordeal of the trial is nothing but abuse process of law. On perusal of the entire FIR, except that the accused has spread false news and allegedly made an oral threat and collected some amount, no other details, whatsoever, is stated in the FIR. Further, the entire allegations are vague in nature and there is no specific instance whatsoever made in the FIR. Therefore, this Court is of the view that on mere allegation which is vague and when no materials available on record to show the complicity of the accused with the crime, continuing the prosecution against the petitioner is nothing but abuse of process of law and the same is quashed. Accordingly, this Criminal Original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msv/nr

To

1.The Inspector of Police,
D-1, Triplicane Police Station,
Triplicane, Chennai-600 002.

2.The Public Prosecutor,High Court, Madras.

Crl. O.P. No.10532 of 2018
and Crl.M.P.No.5406 of 2018

PL(CO)
A.SK(02.02.2022)