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CrI.O.P.No.17084 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM

THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

CrI.O.P.No.17084 of 2019

and

CrI.M.P.No.8609 of 2019

P.Gogul

... Petitioner

Vs.

1.State Rep.by
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.
Crime No.155 of 2019

2.R.Rajagopal

... Respondents

Prayer:- Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records in S.T.C.No.2232 of 2019 on the file of the learned Judicial Magistrate No.I, Tiruppur and quash the same.

For Petitioner : Mr.C.Ramaraj

For R1 : Mr.N.S.Suganthan
Government Advocate (CrI.Side)

For R2 : No appearance



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ORDER

The First Information Report has been registered against this petitioner on the complaint given by one Rajagopal, alleging that a street campaigning for the Parliamentary Election conducted on 23.02.2019, the petitioner herein along with his relatives, who passed through the street, came urgently like hitting the *de facto* complainant and when the same was questioned, he abused the *de facto* complainant and threatened him with dire consequences.

2. Though, initially an F.I.R., has been registered under Sections 294 (b) and 506(ii) of I.P.C., later on, the Investigating Officer found that except the use of filthy words by the petitioner/accused, there was no criminal intimidation and hence the charge was altered and a final report filed before the learned Judicial Magistrate-I, Tiruppur, which was taken on file in S.T.C.No.2232 of 2019.

3. The learned counsel for the petitioner would submit that even according to the prosecution witnesses including the *de facto* complainant, they have not stated that the accused threatened him with



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dire consequences and he has exaggerated so in his complaint.

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4. Pointing out this admitted exaggeration, it is contended that due to political rivalry, complaint has been foisted against this petitioner who had incidentally passed through the street, where the political meeting was going on.

5. The learned Government Advocate (CrI.Side) for the State would submit that from the statements of the witnesses, who are the members of the particular political party to which the *de facto* complainant belonged, the Investigating Officer has found a *prima facie* material of wordy quarrel between the *de facto* complainant and the accused. The accused has used filthy and obscene language in the course of wordy quarrel, hence, the final report filed for the offence under Section 294(b) I.P.C.

6. The records along with the statement under Section 161 Cr.P.C., it indicates a trivial wordy quarrel which has been culminated in registering the complaint and filing of the final report for the offence under Section 294(b) I.P.C. The complete reading of the previous statement of



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the *de facto* complainant as well as the witnesses, it does not make out any serious offence for prosecution under Section 294(b) I.P.C. Therefore, the complaint is quashed. Though the complaint states that along with the petitioner, his relatives were also present, none of the witnesses have spoken about their relationship with the petitioner. The final report is also filed only against this petitioner which clearly indicates embellishment and exaggeration of the statement in the complaint.

7. For the said reasons, this Criminal Original Petition is allowed. Consequently, the connected Criminal Miscellaneous Petition is also closed. The complaint in S.T.C.No.2232 of 2019 on the file of the learned Judicial Magistrate No.I, Tiruppur is quashed.

01.11.2022

rpl
Index: Yes/No
Speaking Order/Non Speaking Order

To

1.The Judicial Magistrate No.I, Tiruppur.



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2.The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN, J.

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